

Appeal No. 25-7040

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U.S. COURT OF APPEALS  
FOR THE 11th CIRCUIT

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UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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2025 JUL 22 P 10:43

CLERK'S DEPOSITORY

Gregory B. Myers,

*Appellant*

Barbara Ann Kelly,

*Appellee*

v.

Naples Golf and Beach Club, Inc., et al.,

*Appellees*

District Court Docket No: 1:24-cv-03127-ACR

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**APPELLANT GREGORY B. MYERS'S RESPONSE IN OPPOSITION TO  
APPELLEES' MOTION TO DISMISS APPELLANT'S APPEAL**

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Gregory B. Myers  
700 Gulf Shore Blvd. N.  
Naples, Florida 34102  
(301) 325-2312  
*gregbmyers@verizon.net*

July 22, 2025

Appellant Gregory B. Myers (“Mr. Myers” or “Appellant”) hereby files this response to the Court’s June 24, 2025, Order to show cause and argues that the NBC Entities<sup>1</sup> *Motion To Dismiss Appellant's Appeal* (the “Motion to Dismiss”) should not be considered and decided without a response from the Appellant.<sup>2</sup>

As usual, the NBC Entities rely on *ad hominem* attacks against Mr. Myers in lieu of the legal argument. These attacks are beneath the dignity of federal litigation and will not be addressed herein. Furthermore, attacking Mr. Myers’s character does not change the reality that the Motion to Dismiss is meritless and should be summarily denied.

On February 27, 2024, Mr. Myers wrote to the U.S. Army Corps of Engineers (USACE) and advised them that the NBC Entities had submitted a fraudulent application to FEMA in order to obtain a bogus “Letter of Map Revision” (“LOMR”) which, *arguendo*, permitted construction in the Coastal High Hazard Area in violation of all manner of federal, state and local laws, including, *inter alia*, 44 CFR 59 and 60. Furthermore, and critically, the FEMA application did not contain the required documentation showing compliance with Section 7(a)(2) of the

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<sup>1</sup> Naples Property Holding Company, LLC; Naples Beach Club Land Trust Trustee, LLC; Naples Beach Club Phase II and III Land Trust Trustee, LLC; and NBC Club Owner, LLC (collectively, “NBC Entities” or “Appellees”).

<sup>2</sup> Mr. Myers hereby respectfully requests that the Court appoint amicus counsel to represent Mr. Myers in this appeal.

**Endangered Species Act (ESA).** Mr. Myers also informed the USACE that the City of Naples Flood Plain Coordinator (Christa Carrera) who signed the bogus FEMA application on September 29, 2020, resigned shortly thereafter having admitted during a City of Naples ethics investigation that she had **accepted illegal payments from private developers** seeking to obtain permits from the City of Naples.

The NBC Entities and the City of Naples are currently discharging contaminated dredged or fill material and contaminated groundwater into waters of the U.S. (i.e., the Gulf of America) in violation of Section 404 of Clean Water Act (CWA). According to the Earth Systems Report, the **contaminated groundwater** contains "concentrations of Naphthalene and 2-Methynaphthalene also exceeded their respective Chapter 62-777, FAC Natural Attenuation Default Concentrations (NADCs)." According to the U.S. Department of Health and Human Services (HHS), "**naphthalene is reasonably anticipated to be a human carcinogen.**"

On February 28, 2024, Mr. Myers was copied on an email from "Federici, Luigi G CIV USARMY CESAJ (USA)" which states:

Good afternoon,

The below information is provided to you regarding alleged unauthorized work at 851 Gulf Shore Blvd N. Naples, FL, 34102. Mr. Myers sent an email about an ongoing project in Naples FL to the SAJ general email inbox at approx. 1500 on 28 February 2024. It was then forwarded to me as the RPA for the Ft. Myers USACE Permitting Office. Mr. Myers requested via email and a phone conversation that he would like this matter to be

immediately brought to the attention of the USA CE SAJ Enforcement Team and the FDEP. **This because Mr. Myers clearly pointed out that the Naples Golf and Beach Club neglected to obtain a permit from the USACE Jacksonville FL Regulatory Division.** As per the FDEP ERP Permit #3 87544-001 (page 2 & 3) "Your proposed activity as outlined on your application and attached drawings does not qualify for Federal authorization pursuant to the State Programmatic General Permit and a SEPARATE permit or authorization shall be required from the USACE. You must apply separately to the USACE using their APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT, ENG FORM 4345, or alternative as allowed by their regulations". **It is of note that the RPA for the Ft. Myers Permitting Office did not find a project on file in USACE database for this project site.** Also, the Supplemental Site Assessment Report (for Shelton Jaguar) 800 9th Street North Naples, Florida is available upon request from Mr. Myers. In closing, Mr. Myers has been provided information on how to contact the USACE SAJ Enforcement Team and we thank him for his concern for environmental standards, state regulations and federal guidelines for projects in Waters of the United States (WOTUS).

(Emphasis supplied). See composite **Exhibit A**.

On March 4, 2024, "Federici, Luigi G CIV USARMY CESAJ (USA)" sent

Mr. Myers another email, stating:

Hopefully, you received the last email that I send regarding your report of a violation in regard to the Naples Golf & Country Club. Also, enclosed is a sample of the form and type of attachments **that you would send** to the USACE SAJ Enforcement Team via

**Regulatory Enforcement**

The USACE of Engineers' enforcement program is based on a policy of the regulation of the waters of the United States by discouraging activities that have not been properly authorized and by requiring corrective measures, where appropriate, to ensure those waters are not misused and to maintain the integrity of the program.

If a violation is suspected, steps are taken to inspect the suspected violation in a timely manner. The scheduling of investigations will reflect the nature and location of the suspected violations, the anticipated impacts, and the most effective use of inspection resources available. These investigations should confirm whether a violation exists, and if so, will identify the extent of the violation and the responsible parties.

The USACE may issue orders requiring corrective action including removal of the unauthorized work and restoration, and/or in certain cases accept an after-the-fact permit application, initiate legal action, or recommend referral to the Environmental Protection Agency for administrative, civil or criminal penalties. The EPA has independent enforcement authority under the Clean Water Act for unauthorized discharges. The USACE works closely with the EPA to coordinate the most effective and efficient resolution of Section 404 Clean Water Act violations.

For appropriate cases, the USACE may recommend criminal or civil actions to obtain penalties for violations. Appropriate cases for criminal or civil action include, but are not limited to, violations which, in the USACE' opinion, are willful, repeated, flagrant, or of substantial impact.

### **Reporting a Potential Unauthorized Activity**

**The USACE relies heavily on the public to report unauthorized activities.** If you suspect an unauthorized activity has occurred or is underway, you may report your

observations by completing the Violation Reporting Form by selecting "Report a Violation" located under Regulatory Pages. All reports will be sent to the appropriate office for review.

(Emphasis supplied). *Id.*

On March 5, 2024, Mr. Myers received an email from "SAJ-RD-Enforcement (saj-rdenforcement@usace.army.mil)" in "RE: [Non-DoD Source] REPORT OF SECTION 404 CLEAN WATER ACT VIOLATION AND UNAUTHORIZED WORK AT: 851 Gulf Shore Blvd N. Naples, FL, 34102" stating:

Good afternoon Russ and Mr. Myers,

I spoke with Mr. Myers this afternoon regarding concerns over development at 851 Gulf Shore Blvd. Off initial review and conversations with leadership, it seems that concerns regarding pollutant discharges from outfall pipes would not fall [sic] under our jurisdiction w/der section 404, rather section 401/402. We also had discussions regarding 404 jurisdiction where I explained our post-assumption '300ft' rule. **Please note Mr. Myers the following:**

**On Thursday, February 15th, the U.S. District Court for the District of Columbia issued a decision vacating the U.S. Environmental Protection Agency's approval of Florida's application to assume Clean Water Act Section 404 permitting responsibilities in certain waters in Florida.** In light of this decision, the U.S. Army USACE of Engineers (USACE) is currently the only entity in the State of Florida with authority to issue permits under Section 404 of the Clean Water Act. The USACE recognizes that either the District Court or an Appellate Court may issue a full or partial stay of the February 15th order at some point. In the interim, applicants may submit applications to the USACE for activities involving the

discharge of dredged or fill material into formerly state assumed waters. The USACE will begin processing any applications it receives, however applicants and stakeholders should recognize the uncertainty surrounding the current litigation.

(Emphasis supplied). Id.

The federal officer removal statute, codified at 28 U.S.C. § 1442, seeks to provide a neutral federal forum to preserve the supremacy of federal law and prevent federal officers and their agents from being improperly sued or punished when they attempt to perform their duties. Section 1442(a)(1) also allows for removal of cases against a person acting under the direction of a federal official if the directing official was acting pursuant to their official authority. Here, Mr. Myers was acting under the direction of "Federici, Luigi G CIV USARMY CESAJ (USA)" and the **NBC Entities are now seeking to prosecute Mr. Myers for contempt** for "making representations of such claims to third parties or to **government entities, agencies, employees or officials** ... and from filing any document in the public records asserting such claims." Accordingly, this Court possesses jurisdiction in this case under 28 U.S.C. § 1442(a)(1).

The court endorsed the view that "sound policy requires the availability of a federal forum for adjudication of the legal status of persons who colorably have been acting under federal direction" and found it instructive that the private party had "performed work contemplated by a federal statute." *Gurda*, 358 F. Supp. at 844

(alteration omitted). Both § 1442 and especially its "acting under" provision must be read broadly, *see Isaacson*, 517 F.3d at 136 ("The words 'acting under' are to be interpreted broadly, and the statute as a whole must be liberally construed."); *see also Crane Co.*, 771 F.3d at 115 ("The Supreme Court has cautioned that the scope of the federal officer removal statute 'is not narrow or limited.'") (quoting *Willingham v. Morgan*, 395 U.S. 402, 406, 89 S.Ct. 1813, 23L.Ed.2d 396 (1969)). Courts generally apply a broad construction—particularly with respect to private parties who claim to be "acting under" a federal officer. *See Gurda Farms, Inc. v. Monroe Cty. Legal Assistance Corp.*, 358 F. Supp. 841, 843(S.D.N.Y. 1973) ("Even a cursory survey of the application of the statute reveals it has been construed broadly, and its 'persons acting under' provision particularly so."). Not only must the words of § 1442 be construed broadly but a court also must "credit [the d]efendants' theory of the case" when evaluating the relationship between the defendants' actions and the federal officer. *Isaacson*, 517 F.3d at 137 (citing *Jefferson Cnty. v. Acker*, 527 U.S. 423, 432, 119 S.Ct. 2069, 144 L.Ed.2d408 (1999)).

Congress used the words "acting under" to describe "the triggering relationship between a private entity and a federal officer." *Watson v. Philip Morris Cos.*, 551 U.S. 142, 149, 127 S.Ct. 2301, 168 L.Ed.2d 42 (2007). That relationship involves "an effort to *assist*, or to help *carry out*, the duties or tasks of the federal



superior." *Id.* at 152, 127 S.Ct. 2301. In reaching its conclusion in *Watson*, the Supreme Court considered whether there had been a "delegation of legal authority" from the federal government to the private party or a "contract, ... payment, ... employer/employee relationship, or ... principal/agent arrangement" between the federal government and the private party. 551 U.S. at 156, 127 S.Ct. 2301.

This action also is removable in accordance with 28 U.S.C. § 1442(a)(2) which requires that (1) an action be instituted in state court; (2) the action be against or directed to the holder of a property right; (3) the property right be derived from a federal officer; and (4) the action would "affect" the validity of a federal law. *Id.* For example, on April 17, 2019, counsel for the NBC Entities testified at a quasi-judicial hearing as follows:

MR. PASSIDOMO: After we filed our applications, City staff informed us that for the last 15 years the City has been using the **land comprising the golf course** to qualify for an [FEMA] open space credit in the City's community rating system, and that doing so enabled the City to receive an annual \$1,500,000.00. City staff thereafter requested and **our clients voluntarily agreed to further encumber the golf course to enable the City to continue to provide this significant public benefit from the private property comprising the golf course.**

(Emphasis added). Mr. Myers contends the encumbered floodplain (i.e., "land comprising the golf course")—which includes federally protected wetlands and threatened and endangered plants and animals for which no NEPA/EIS has ever been performed—is a property right derived from a federal officer (USACE and FEMA)

and that the unlawful actions of the NBC Entities in concert with the City of Naples "affect" the validity of a federal law.

On November 4, 2024, in accordance with, *inter alia*, 28 U.S.C. §§ 1331, 1442 and 1452(a), Appellant removed the underlying state court action to the United States District Court for the District of Columbia (the "District Court"), Case 1:24-cv-03127-ACR (the "Removed Case"). Removal of this action was timely as on October 24, 2024, the NBC Entities filed a motion in state court to hold Mr. Myers in contempt for "making representations of such claims to third parties or to **government entities, agencies, employees or officials** ... and from filing any document in the public records asserting such claims." 28 U.S.C. § 1446(b)(3); *Isaacson*, 517 F.3d at 137-38 ("To show causation, Defendants must only establish that the act that is the subject of Plaintiffs' attack ... occurred *while* Defendants were performing their official duties.").

Mr. Myers was required to provide "a short and plain statement of the grounds for removal" in his notice of removal. *See Georgia v. Rachel*, 384 U.S. 780, 793 n.21, 86 S.Ct. 1783, 16 L.Ed.2d 925 (1966). Congress intended to simplify the pleading requirements for removal and to clarify that courts should apply the same liberal rules to removal allegations that are applied to other matters of pleading. *Dart Cherokee* 181\*181 *Basin Operating Co. v. Owens*, 574 U.S. 81,87, 135 S.Ct. 547, 190 L.Ed.2d 495 (2014) (internal quotation marks omitted). Thus, "the same liberal

rules employed in testing the sufficiency of a pleading should apply to appraise the sufficiency of a defendant's notice of removal." Wright & Miller, *supra*, § 3733; *see also Ellenburg v. Spartan Motors Chassis, Inc.*, 519 F.3d 192, 200 (4th Cir. 2008) (concluding that "it was inappropriate" to impose "a higher pleading standard" on a notice of removal "than the one imposed on a plaintiff in drafting an initial complaint"). Moreover, "[t]he absence of detailed grounds setting forth [a] basis for removal is not fatal to defendants' right to remove." *Allman v. Hanley*, 302 F.2d 559, 562 (5th Cir. 1962). To invoke § 1442, it is enough "if the court is provided the facts from which its jurisdiction can be determined." Wright & Miller, *supra*, § 3733.[14] A petition may even "contain inconsistent allegations." *White v. Wellington*, 627 F.2d 582, 587 (2d Cir. 1980).

28 U.S.C. §1442(a)(1) promises a federal forum for any action against an "officer (or any person acting under that officer) of the United States or of any agency thereof, in an official or individual capacity, for or relating to any act under color of such office." *Id.* Here, it is undisputed that Appellant's notice of removal cites §1442 as one of its grounds for removal (i.e., because Mr. Myers's actions took place at the federal government's behest).

On April 1, 2025, the District Court (Reyes, J) entered a MINUTE ORDER, which states:

MINUTE ORDER GRANTING IN PART [11] Motion to  
Dismiss Case as Frivolous or in the alternative Motion to

Remand to State Court and [13] Motion to Dismiss or in the alternative Motion to Remand to State Court. As discussed at the March 10, 2025 hearing, the Court REMANDS this case to the Circuit Court for Collier County, Florida. The Court finds as MOOT Defendants' Motions to Dismiss. Case to be remanded on 4/8/2025. Signed by Judge Ana C. Reyes on 4/1/2025. (lcacr3) (Entered: 04/01/2025)

See D.C. Cir. Doc# 2109258 (the “Minute Order” or “Order”). Notably, although the order references the “March 10, 2025 hearing,” it is otherwise conspicuously devoid of any findings of fact or conclusions of law.

Section 1447(d) provides that “an order remanding a case to the State court from which it was removed pursuant to section 1442 or 1443 of this title shall be reviewable by appeal” without any further qualification. Accordingly, on April 2, 2025, Mr. Myers appealed the Minute Order to this Court, which this Court has jurisdiction to review under 28 U.S.C. § 1291. See *Quackenbush v. Allstate Insurance Co.*, 517 U.S. 706, 714-715 (1996) (federal courts of appeals have appellate jurisdiction over an order remanding a case removed under Section 1442 or 1443); *BP P.L.C. v. Mayor of Balt.*, 141 S. Ct. 1532, 1538 (2021), holding 28 U.S.C. § 1447(d) permits a court of appeals to review any issue<sup>3</sup> in a district court

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<sup>3</sup> It is undisputed that the automatic stay was in effect when the NBC Entities filed their counterclaim against Mr. and Mrs. Myers in the underlying action. The NBC Entities have also acknowledged that “any interest Myers had, or may have, in his Naples Homestead...[n]aturally...would include appurtenant easement rights [in the NBC Property].” A void state court decision premised on a stay violation is a legal nullity that may be collaterally challenged at any time (even in this appeal). See *Hertz*

order remanding a case to state court where the removal is premised *in part* on the federal officer removal statute, §1442. Importantly, Congress permitted review of the Order itself rather than the reasons for the Order.

Federal courts have a strict duty to exercise the jurisdiction that is conferred upon them by Congress. See, *e. g.*, *Colorado River*, 424 U. S., at 821 ("[F]ederal courts have a 'virtually unflagging obligation ... to exercise the jurisdiction given them' "); *England v. Louisiana Bd. of Medical Examiners*, 375 U.S. 411, 415 (1964) (" 'When a federal court is properly appealed to in a case over which it has by law jurisdiction, it is its duty to take such jurisdiction' ") (quoting *Willcox v. Consolidated Gas Co.*, 212 U.S. 19, 40 (1909)); *Cohens v. Virginia*, 6 Wheat. 264, 404 (1821) (federal courts "have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not"). As the Supreme Court has explained, "even the most formidable" policy arguments cannot "overcome" a clear statutory directive. *Kloeckner v. Solis*, 568 U.S. 41, 56, n. 4 (2012).

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*Corp. v. Alamo Rent-A-Car, Inc.*, 16 F.3d 1126, 1130 (11th Cir. 1994); *Maritime Elec. Co., Inc. v. United Jersey Bank*, 959 F.2d 1194 (3rd Cir. 1991) (judgment on a creditor's claim in violation of an automatic bankruptcy stay was void *ab initio* and of no effect, even though the debtor's bankruptcy case was dismissed with prejudice during the pendency of the appeal). See also *In re Highway Truck Drivers & Helpers Local Union No. 107*, 888 F.2d 293 (3rd Cir. 1989) (lower state court proceeding "subject to collateral attack" in federal court "if the state court had proceeded without the consent of the bankruptcy court"). *Id.* at 299 n. 8.

WHEREFORE, Appellant Gregory B. Myers respectfully requests that the Court enter an order denying the Appellees' Motion to Dismiss this appeal and grant such other and further relief as the Court deems just and proper.

Dated: July 22, 2025

Respectfully submitted,



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Gregory B. Myers, *pro se*  
700 Gulf Shore Blvd. N.  
Naples, Florida 34102  
(301) 325-2312  
*gregbmyers@verizon.net*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 22, 2025, the foregoing document was filed with the Clerk of the Court and a copy served on all parties requesting notice.



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Gregory B. Myers, *pro se*

### **CERTIFICATE OF COMPLIANCE**

1. I certify that the foregoing document complies with the type-volume limitations of the Federal Rules of Appellate Procedure as it has been prepared in proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

2. I certify that the foregoing document complies with the type-volume limitations of the Federal Rule of Appellate Procedure because it contains 3,392 words as measured by the word processing software used to prepare it.



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Gregory B. Myers, *pro se*



# Exhibit A

## Violation of National Environmental Policy Act (NEPA)

From: gregbmyers@verizon.net (gregbmyers@verizon.net)  
To: michelle.l.hamor@usace.army.mil; saj-rd@usace.army.mil  
Cc: gregbmyers@verizon.net  
Date: Tuesday, February 27, 2024 at 02:36 PM EST

Dear Michelle L. Hamor:

On February 20, 2024, I asked a number of questions in your presentation to the City of Naples City Council, specifically with respect to the Naples Beach Club development (124.3 acres in the heart of the City of Naples, stretching from the Gulf of Mexico to U.S. 41).

The Naples Beach Club submitted a fraudulent application to FEMA in order to obtain an illegal Letter of Map Revision (LOMR) including, without limitation, failing to obtain proper documentation showing compliance with Section 7(a)(2) of the Endangered Species Act (ESA). The City of Naples swept this corruption under the rug.

Troublingly, the City's Flood Plain Coordinator who signed the FEMA application on September 29, 2020, subsequently resigned after having admitted during an ethics investigation that she had accepted payments from private developers seeking to obtain building permits from the City of Naples. The LOMR application was predicated on **fabricated topo data**. Furthermore, the "proposed project" does not meet the City of Naples floodplain management requirements, including without limitation, building "dry floodproofed" structures west of GSBN in the Coastal High Hazard Area in violation of ASCE 24, FBC, and 44 CFR 59 and 60.

The Naples Beach Club is also currently pumping contaminated groundwater into the Gulf of Mexico in violation of the Clean Water Act (CWA). See email dated September 13, 2023, copy attached:

According to the Earth Systems Report, the "concentrations of Naphthalene and 2-Methynaphthalene also exceeded their respective Chapter 62-777, FAC Natural Attenuation Default Concentrations (NADCs)." \*\*\* According to the U.S. Department of Health and Human Services (HHS), "naphthalene is reasonably anticipated to be a human carcinogen," with 1-Methylnaphthalene and 2-Methynaphthalene being identified as "naphthalene-related compounds." \*\*\* Under the EPA 1986 cancer guidelines, "naphthalene was assigned to Group C – possible human carcinogen."

The Naples Beach Club is required to obtain a permit under section 404 of the CWA. As Federal approval is a prerequisite to the development of the Naples Beach Club project, said project is subject to Federal control and responsibility. Because the Naples Beach Club project will have **significant impacts on the quality of the human environment**, the USACE must prepare an Environmental Impact Statement (EIS) and issue a record of decision (ROD). Accordingly, pursuant to the National Environmental Policy Act (**NEPA**), I respectfully demand that the USACE immediately issue a **full stop work order** for the Naples Beach Club project until an EIS can be completed, including providing the residents of the City of Naples with an opportunity for public comment and a full and fair discussion of the significant environmental impacts and the

reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.

I appreciate your prompt response to this very serious and time-sensitive matter.

Gregory Myers  
700 Gulf Shore Blvd. N.  
Naples, Florida 34102  
(301) 325-2312



Naples\_Council\_Briefing\_20Feb2024\_-\_Collier\_CSRM.pdf  
2.5MB



20230913\_EMAIL to CC\_Contaminated Groundwater.pdf  
194.1kB



200914\_26-049-851GulfShoreBlvd-LOMR-09-14-20-Report\_Signed Carrera.pdf  
2.7MB



Nexus (59).pdf  
11.6MB



000Master Dewatering and Monitoring Plan NBC Redevelopment 6-16-23Cert.pdf  
5.6MB

## FW: Big Cypress NPS Fire Station

From: Federici, Luigi G CIV USARMY CESAJ (USA) (luigi.g.federici@usace.army.mil)

To: gregbmyers@verizon.net

Date: Wednesday, February 28, 2024 at 04:20 PM EST

Good afternoon,

Applying to the U. S. Army Corps of Engineers (USACE) for a permit will require you to fill out and submit a USACE ENG Form 4345 (or other required form). One of the **three** versions that are provided as attachments are acceptable due to Adobe Acrobat version compatibility issues. You will then email the application and other supporting data to the appropriate email address for the USACE office for your area ([SF.New.Applications@usace.army.mil](mailto:SF.New.Applications@usace.army.mil)). I have provided the USACE ENG Form 4345 and other helpful documents to assist you in applying for a permit from the USACE.

This will start a process in which permit applications received by the Corps of Engineers are given identification numbers and reviewed for completeness. A request for additional information may be requested, if necessary, from your assigned Project Manager (PM). For standard individual permit reviews, a public notice initiating a 15- or 30-day public comment period will be issued within 15 days of receiving all the required information. After the comment period, the Corps will review all the comments. The Corps may ask for additional information at this time and a public hearing may be conducted if one has been specifically requested or determined to be necessary. For all projects, the Corps will consult with other state and federal agencies and Native American tribes as appropriate. When all considerations are satisfied, the District Engineer will decide to either issue or deny the permit application. If a permit is denied, the applicant will receive a written explanation.

The Corps' goal is to decide on all applications within 60 days after receipt of a complete application for minor permits and 120 days for individual permits, unless: a decision is precluded as a matter of law or procedures required by law. If that occurs, then the case must be referred to higher authority; the comment period of a public notice is extended; a timely submittal of information or comments is not received from the applicant. Also, the processing is suspended at the request of the applicant; or information needed by the district engineer for a decision on the application cannot reasonably be obtained within the 60- or 120-day period.

Upon receipt of your permit application, you will be sent an email acknowledgement of receipt and a Corps reference number specific to your file. You should refer to this number when inquiring about your application. If your application is incomplete, the Corps will request the additional information needed to continue its review. The project will be reviewed, balancing the need and expected benefits against the probable impacts of the work, taking into consideration all comments received and other relevant factors. In the meantime, you may want to see what county or state restrictions, or land use limitations are in place regarding this type of work.

We request that you provide at least two aerial views (project site or plot view and one at a higher elevation) of the project area. The photos are used to match against the USACE data base of maps to verify the location and if another project was sanctioned by the USACE in that location before. I recommend going to Google Earth and going right to your property by typing in your address. Also, you can get aerial views and location coordinates from your county's property website or county tax assessor's website if you have trouble with the Google Earth app (which you shouldn't).

Regarding latitude and longitude, it is best to use the decimal conversion of the project location (your form had no coordinates). To obtain these coordinates, go to Google Earth where you will get the coordinates in deg./min./sec. of the project site that will show up in the lower right side of your screen. Make sure that the compass arrow (red side not white side) stops at the North direction. The compass that I am referring to is in the lower right side of the

screen too. You do this by double clicking the rotating compass dial to get it to point North. Since these values will show up in a degrees/minutes/seconds format and convert it to decimal use this website.  
<https://www.fcc.gov/media/radio/dms-decimal>. These coordinates should be the centroid location of the total project site or work area.

The reason for ensuring that the correct coordinates and address are on the USACE application is to properly verify the project's location. Please be aware that using the USACE application checklist is very beneficial for the processing of your application as well. Not to mention providing us with any other pertinent data or documents related to the project i.e. FL Dept. of Environment or other county or local forms. Any attachments for applications should be clearly labeled as to their contents instead of into one large PDF document. Applicable links to websites that will be useful for you in completing your application are provided below my contact information. Once that is done just provide all the documents to the Ft. Myers Email Inbox not my personal work email (see below). Any cost required for the processing of your permit will be requested by your Project Manager when that person is assigned to your project. In closing, I hope that this email addresses your inquiry and makes you a better an informed applicant or agent requesting assistance from the USACE.

FDEP Office	County	Email
Northeast District	Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Madison, Nassau, Putnam, St. Johns, Suwannee, Taylor, Union	<a href="mailto:DEP_NED@dep.state.fl.us">DEP_NED@dep.state.fl.us</a>
Central District	Brevard, Lake, Marion, Orange, Osceola, Seminole, Sumter, Volusia	<a href="mailto:DEP_CD@dep.state.fl.us">DEP_CD@dep.state.fl.us</a>
Northwest District	Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, Washington	<a href="mailto:NWD_ERP_Applications@dep.state.fl.us">NWD_ERP_Applications@dep.state.fl.us</a>
South District	Charlotte, Collier, Desoto, Glades, Hendry, Highlands, Lee, Monroe, Sarasota	<a href="mailto:SD_ERP_Permit@dep.state.fl.us">SD_ERP_Permit@dep.state.fl.us</a>
Southeast District	Broward, Indian River, Martin, Miami-Dade, Okeechobee, Palm Beach, St. Lucie	<a href="mailto:SED_Permitting@dep.state.fl.us">SED_Permitting@dep.state.fl.us</a>
Southwest District	Citrus, Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk	<a href="mailto:SW_ERP@dep.state.fl.us">SW_ERP@dep.state.fl.us</a>

Sample Attachment Titles for an Application to the USACE:

Attachment A – Signed ENG Form 4345  
Attachment B – Historical Aerials  
Attachment C – Project Plans  
Attachment D – Drainage Calculations Report  
Attachment E – Site Photographs  
Attachment F – Wetland Impact Map  
Attachment G – PDC Forms  
Attachment H – FL Dept. of Env: Protection Agency Permit

Best Regards,  
Luigi (Lou) Federici.  
Regulatory Program Assistant

USACE Jacksonville District  
701 San Marco Blvd  
Jacksonville, FL 32207-8175  
☎ (904) 860-7400 (Cellular is Primary Phone)  
☎ (904) 570-4510 (Non-Telework)  
Email: [Luigi.G.Federici@usace.army.mil](mailto:Luigi.G.Federici@usace.army.mil)

**Regulatory Program and Permits** / Frequently Asked Questions: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Frequently-Asked-Questions/>

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The U.S. Fish and Wildlife Service is the principal federal agency tasked with providing information to the public on the extent and status of the nation's wetland and deepwater habitats, as well as changes to these habitats over time. [National Wetlands Inventory](#) | [U.S. Fish & Wildlife Service \(fws.gov\)](#)

Bi-Partisan Infrastructure Law (BIL) Team Project Assignments - Used for overflow work from other USACE SAJ offices. [CESAS-RDR@usace.army.mil](mailto:CESAS-RDR@usace.army.mil) the RPA includes this in the in email's subject line: District (SAJ)-Office (Tampa, Ft. Myers, etc.)-Permit Type (SAJ 20, etc.).

Finding an ERP Permit on the DEP Internet Site: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/finding-erp-permit-dep-internet>

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Downloads for files over 12MB, the RPA goes into DoD Safe and "Request a Drop-off". The applicant/agent will enter the e-mail address themselves for the desired USACE Permitting Office when they upload the files. The applicant can access this link via DoD Safe: <https://safe.apps.mil/>

- Link for the public to report a violation. <https://www.saj.usace.army.mil/Missions/Regulatory/Enforcement/>

State Programmatic General Permit (SPGP) information can be found via this link:  
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\*\*\*NOTICE: Pursuant to Section 404(g) of the Clean Water Act (CWA), 33 U.S.C. § 1344(g), the FDEP assumed administration of a portion of the CWA Section 404 program, referred to as Assumption. The Corps acknowledges Assumption was implemented by January 15, 2021. Thus, the Corps will transfer to the FDEP any pending Section 404 permit applications proposing discharges in State 'assumed' waters from that date on.

- EXTERNAL Automated Wetland Determination Data Sheets (ADS): [https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/reg\\_supp/](https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/reg_supp/)

- U.S. Army Corps of Engineers, Jacksonville District, State of Florida Assumption of Section U.S.ARMY 404 Permitting Responsibilities SB:  
[https://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/other\\_permitting\\_factors/20201109-Factsheet\\_Handout-KDS.pdf](https://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/other_permitting_factors/20201109-Factsheet_Handout-KDS.pdf)

-For more information on the status of the Corps' transition, please visit the Corps' website under "Regulatory News" at: <https://www.saj.usace.army.mil/Missions/Regulatory/>

-For more information on the status of EPA's decision, please visit EPA's website at: <https://www.epa.gov/cwa404g>

-For more information on FDEP's request for Assumption, please visit FDEP's website at:  
<https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/404-assumption>

- ERP and State 404 Program Rules & General ERP Rules for Dredging Operations in Florida:  
<https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/erp-dredging-and-filling>

- DEP Facility/Site Details and Associated Documents: <https://prodenv.dep.state.fl.us/>

- Operation Blue Roof program: <https://www.usace.army.mil/Missions/Emergency-Operations/Blue-Roof-Information/>

\* You may electronically submit information for new permit applications to the following:

Florida Power & Light Inbox: [corpsjaxreg-fpl@usace.army.mil](mailto:corpsjaxreg-fpl@usace.army.mil)  
Jacksonville District Permits Section: [corpsjaxreg-nj@usace.army.mil](mailto:corpsjaxreg-nj@usace.army.mil)  
Pensacola Permits Section: [corpsjaxreg-nl@usace.army.mil](mailto:corpsjaxreg-nl@usace.army.mil)  
Panama City Permits Section: [corpsjaxreg-np@usace.army.mil](mailto:corpsjaxreg-np@usace.army.mil)  
Gainesville Regulatory Office: [TampaReg@usace.army.mil](mailto:TampaReg@usace.army.mil)  
Ft. Myers Permits Section: [SF.New.Applications@usace.army.mil](mailto:SF.New.Applications@usace.army.mil)  
Clewiston USACE Field Office: [Robert.R.Hill@usace.army.mil](mailto:Robert.R.Hill@usace.army.mil)  
Tampa Bay Permits Section: [TampaReg@usace.army.mil](mailto:TampaReg@usace.army.mil)  
Cocoa Beach Permits Section: [CORPSJAXREG-NC@usace.army.mil](mailto:CORPSJAXREG-NC@usace.army.mil)  
Palm Beach Gardens Section: [Application-sp@usace.army.mil](mailto:Application-sp@usace.army.mil)  
Florida Keys Section: [SEAPPLS@usace.army.mil](mailto:SEAPPLS@usace.army.mil)

Antilles-Miami Section: [cesaj-rd-sa@usace.army.mil](mailto:cesaj-rd-sa@usace.army.mil)

Special Projects Branch BIL Team: [CESAS-RDR CESAS-RDR@usace.army.mil](mailto:CESAS-RDR CESAS-RDR@usace.army.mil)

RD Enforcement Team correspondence or requests to [saj-rd-enforcement@usace.army.mil](mailto:saj-rd-enforcement@usace.army.mil)

\* Download the ENG 4345 application form here:

[https://www.publications.usace.army.mil/Portals/76/Publications/EngineerForms/Eng\\_Form\\_4345\\_2019Feb.pdf?ver=2019-03-08-083618-337](https://www.publications.usace.army.mil/Portals/76/Publications/EngineerForms/Eng_Form_4345_2019Feb.pdf?ver=2019-03-08-083618-337)

\* Download the application checklist here:

[http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/permitting/forms/Checklists/Checklist\\_ENG\\_4345fillable.pdf](http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/permitting/forms/Checklists/Checklist_ENG_4345fillable.pdf)

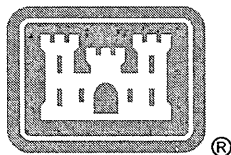
Note: Standard Permits (SP) and Letter of Permission (LOP) can be modified with a USACE ENG Form 4345 and supporting documentation. However Nationwide Permits (NWP) and Regional General Permits (RGP) can't be modified. Thus, changes to NWPs and RGPs to permits require a new application with supporting documentation that would still be based off a previous permit.

-FACT SHEET for USACE PERMITTING REQUIREMENTS:

[https://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/other\\_permitting\\_factors/20201109-Factsheet\\_Handout-KDS.pdf](https://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/other_permitting_factors/20201109-Factsheet_Handout-KDS.pdf)

The Regulatory Customer Service Survey has moved to the cloud and has a new URL beginning on Mon 5 Apr 2021-

<https://regulatory.ops.usace.army.mil/customer-service-survey/>



US Army Corps of Engineers  
Jacksonville Florida District

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**From:** SAJ-RD <[saj-rd@usace.army.mil](mailto:saj-rd@usace.army.mil)>

**Sent:** Wednesday, February 28, 2024 3:13 PM

**To:** SF.New.Applications <[SF.New.Applications@usace.army.mil](mailto:SF.New.Applications@usace.army.mil)>

**Subject:** FW: [Non-DoD Source] Violation of National Environmental Policy Act (NEPA)

FYA

Thanks

Yolanda A. Bringhurst  
Division Secretary  
Regulatory Division  
Jacksonville District  
(904) 232-1177

**From:** [gregbmyers@verizon.net](mailto:gregbmyers@verizon.net) <[gregbmyers@verizon.net](mailto:gregbmyers@verizon.net)>

**Sent:** Tuesday, February 27, 2024 2:36 PM

**To:** Hamor, Michelle L CIV USARMY CENAO (USA) <[Michelle.L.Hamor@usace.army.mil](mailto:Michelle.L.Hamor@usace.army.mil)>; SAJ-RD <[saj-rd@usace.army.mil](mailto:saj-rd@usace.army.mil)>



Cc: [gregbmyers@verizon.net](mailto:gregbmyers@verizon.net)

Subject: [Non-DoD Source] Violation of National Environmental Policy Act (NEPA)

Dear Michelle L. Hamor:

On February 20, 2024, I asked a number of questions in your presentation to the City of Naples City Council, specifically with respect to the Naples Beach Club development (124.3 acres in the heart of the City of Naples, stretching from the Gulf of Mexico to U.S. 41).

The Naples Beach Club submitted a fraudulent application to FEMA in order to obtain an illegal Letter of Map Revision (LOMR) including, without limitation, failing to obtain proper documentation showing compliance with Section 7(a)(2) of the Endangered Species Act (ESA). The City of Naples swept this corruption under the rug.

Troublingly, the City's Flood Plain Coordinator who signed the FEMA application on September 29, 2020, subsequently resigned after having admitted during an ethics investigation that she had accepted payments from private developers seeking to obtain building permits from the City of Naples. The LOMR application was predicated on **fabricated topo data**. Furthermore, the "proposed project" does not meet the City of Naples floodplain management requirements, including without limitation, building "dry floodproofed" structures west of GSBN in the Coastal High Hazard Area in violation of ASCE 24, FBC, and 44 CFR 59 and 60.

The Naples Beach Club is also currently pumping contaminated groundwater into the Gulf of Mexico in violation of the Clean Water Act (CWA). See email dated September 13, 2023, copy attached:

According to the Earth Systems Report, the "concentrations of Naphthalene and 2-Methynaphthalene also exceeded their respective Chapter 62-777, FAC Natural Attenuation Default Concentrations (NADCs)." \*\*\* According to the U.S. Department of Health and Human Services (HHS), "naphthalene is reasonably anticipated to be a human carcinogen," with 1-Methylnaphthalene and 2-Methynaphthalene being identified as "naphthalene-related compounds." \*\*\* Under the EPA 1986 cancer guidelines, "naphthalene was assigned to Group C – possible human carcinogen."

The Naples Beach Club is required to obtain a permit under section 404 of the CWA. As Federal approval is a prerequisite to the development of the Naples Beach Club project, said project is subject to Federal control and responsibility. Because the Naples Beach Club project will have **significant impacts on the quality of the human environment**, the USACE must prepare an Environmental Impact Statement (EIS) and issue a record of decision (ROD). Accordingly, pursuant to the National Environmental Policy Act (**NEPA**), I respectfully demand that the USACE immediately issue a **full stop work order** for the Naples Beach Club project until an EIS can be completed, including providing the residents of the City of Naples with an opportunity for public comment and a full and fair discussion of the significant environmental impacts and the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.

I appreciate your prompt response to this very serious and time-sensitive matter.

Gregory Myers  
700 Gulf Shore Blvd. N.  
Naples, Florida 34102  
(301) 325-2312



smime.p7s  
6.4kB



ENG\_Form\_4345\_2018 Blank PDF Option 2 Eng\_May.pdf  
74.5kB



Eng\_Form\_4345\_2019Feb.pdf  
41.7kB



Eng\_Form\_4345\_2022Sep.pdf  
39.7kB



ENG\_Form\_4345\_Checklist.pdf  
146kB



ENG\_FORM\_4345\_Short Instructions.pdf  
18.6kB



FDEP-04-04-2023 Contacts.pdf  
128.2kB



Instructions for Preparing a Department of the Army Permit Application R2.docx  
29.7kB



Sample Permit Exhibits.pdf  
1.7MB



Jurisdiction Lines.png  
78.7kB



USACE REV. 6 20240109 Regulatory Offices Map.pdf  
313.5kB

Re: Big Cypress NPS Fire Station

From: gregbmyers@verizon.net (gregbmyers@verizon.net)

To: Luigi.G.Federici@usace.army.mil

Cc: gregbmyers@verizon.net

Date: Wednesday, February 28, 2024 at 05:09 PM EST

EMAIL 1 of 2

October 6, 2020, Environmental Resource Permit (ERP) for Permittee: Naples Golf and Beach Club, Inc.

Permit No: 387544-001 (Permit Expiration: October 5, 2025)

See bottom of Page 2 of 10 and top of Page 3 of 10:

Federal Authorization

Your proposed activity as outlined on your application and attached drawings does not qualify for Federal authorization pursuant to the State Programmatic General Permit and a SEPARATE permit or authorization shall be required from the Corps. You must apply separately to the Corps using their *APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT*, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at:

<https://www.saj.usace.arm.mil/Missions/Regulation/Source-Book/>.

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit", Section IO of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

I have also attached a copy of the fraudulent Letter of Map Revision (LOMR) application as submitted to FEMA, together with a signed topo survey evidencing the LOMR Application is fraudulent.

Thx.

On Wednesday, February 28, 2024 at 04:20:37 PM EST, Federici, Luigi G CIV USARMY CESAJ (USA) <luigi.g.federici@usace.army.mil> wrote:

Good afternoon,

Applying to the U. S. Army Corps of Engineers (USACE) for a permit will require you to fill out and submit a USACE ENG Form 4345 (or other required form). One of the **three** versions that are provided as attachments are acceptable due to Adobe Acrobat version compatibility issues. You will then email the application and other supporting data to the appropriate email address for the USACE office for your area ([SF.New.Applications@usace.army.mil](mailto:SF.New.Applications@usace.army.mil)). I have provided the USACE ENG Form 4345 and other helpful documents to assist you in applying for a permit from the USACE.

This will start a process in which permit applications received by the Corps of Engineers are given identification numbers and reviewed for completeness. A request for additional information may be requested, if necessary, from your assigned Project Manager (PM). For standard individual permit reviews, a public notice initiating a 15- or 30-day public comment period will be issued within 15 days of receiving all the required information. After the comment period, the Corps will review all the comments. The Corps may ask for additional information at this time and a public hearing may be conducted if one has been specifically requested or determined to be necessary. For all projects, the Corps will consult with other state and federal agencies and Native American tribes as appropriate. When all considerations are satisfied, the District Engineer will decide to either issue or deny the permit application. If a permit is denied, the applicant will receive a written explanation.

The Corps' goal is to decide on all applications within 60 days after receipt of a complete application for minor permits and 120 days for individual permits, unless: a decision is precluded as a matter of law or procedures required by law. If that occurs, then the case must be referred to higher authority; the comment period of a public notice is extended; a timely submittal of information or comments is not received from the applicant. Also, the processing is suspended at the request of the applicant; or information needed by the district engineer for a decision on the application cannot reasonably be obtained within the 60- or 120-day period.

Upon receipt of your permit application, you will be sent an email acknowledgement of receipt and a Corps reference number specific to your file. You should refer to this number when inquiring about your application. If your application is incomplete, the Corps will request the additional information needed to continue its review. The project will be reviewed, balancing the need and expected benefits against the probable impacts of the work, taking into consideration all comments received and other relevant factors. In the meantime, you may want to see what county or state restrictions, or land use limitations are in place regarding this type of work.

We request that you provide at least two aerial views (project site or plot view and one at a higher elevation) of the project area. The photos are used to match against the USACE data base of maps to verify the location and if another project was sanctioned by the USACE in that location before. I recommend going to Google Earth and going right to your property by typing in your address. Also, you can get aerial views and location coordinates from your county's property website or county tax assessor's website if you have trouble with the Google Earth app (which you shouldn't).

Regarding latitude and longitude, it is best to use the decimal conversion of the project location (your form had no coordinates). To obtain these coordinates, go to Google Earth where you will get the coordinates in deg./min./sec. of the project site that will show up in the lower right side of your screen. Make sure that the compass arrow (red side not white side) stops at the North direction. The compass that I am referring to is in the lower right side of the screen too. You do this by double clicking the rotating compass dial to get it to point North. Since these values will show up in a degrees/minutes/seconds format and convert it to decimal use this website. <https://www.fcc.gov/media/radio/dms-decimal>. These coordinates should be the centroid location of the total project site or work area.

The reason for ensuring that the correct coordinates and address are on the USACE application is to properly verify the project's location. Please be aware that using the USACE application checklist is very beneficial for the processing of your application as well. Not to mention providing us with any other pertinent data or documents related to the project i.e. FL Dept. of Environment or other county or local forms. Any attachments for applications should be clearly labeled as to their contents instead of into one large PDF document. Applicable links to websites that will be useful for you in completing your application are provided below my contact information. Once that is done just provide all the documents to the Ft. Myers Email Inbox not my personal work email (see below). Any cost required for the processing of your permit will be requested by your Project Manager when that person is assigned to your project. In closing, I hope that this email addresses your inquiry and makes you a better an informed applicant or agent, requesting assistance from the USACE.

FDEP Office	County	Email
Northeast District	Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Madison, Nassau, Putnam, St. Johns, Suwannee, Taylor, Union	<a href="mailto:DEP_NED@dep.state.fl.us">DEP_NED@dep.state.fl.us</a>
Central District	Brevard, Lake, Marion, Orange, Osceola, Seminole, Sumter, Volusia	<a href="mailto:DEP_CD@dep.state.fl.us">DEP_CD@dep.state.fl.us</a>
Northwest District	Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, Washington	<a href="mailto:NWD_ERP_Applications@dep.state.fl.us">NWD_ERP_Applications@dep.state.fl.us</a>
South District	Charlotte, Collier, Desoto, Glades, Hendry, Highlands, Lee, Monroe, Sarasota	<a href="mailto:SD_ERP_Permit@dep.state.fl.us">SD_ERP_Permit@dep.state.fl.us</a>
Southeast District	Broward, Indian River, Martin, Miami-Dade, Okeechobee, Palm Beach, St. Lucie	<a href="mailto:SED_Permitting@dep.state.fl.us">SED_Permitting@dep.state.fl.us</a>
Southwest District	Citrus, Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk	<a href="mailto:SW_ERP@dep.state.fl.us">SW_ERP@dep.state.fl.us</a>

Sample Attachment Titles for an Application to the USACE:

Attachment A – Signed ENG Form 4345

Attachment B – Historical Aerials

Attachment C – Project Plans

Attachment D – Drainage Calculations Report

Attachment E – Site Photographs

Attachment F – Wetland Impact Map

Attachment G – PDC Forms

Attachment H – FL Dept. of Env. Protection Agency Permit

Best Regards,

Luigi (Lou) Federici.

Regulatory Program Assistant

USACE Jacksonville District

701 San Marco Blvd

Jacksonville, FL 32207-8175

☎ (904) 860-7400 (Cellular is Primary Phone)

☎ (904) 570-4510 (Non-Telework)

Email: [Luigi.G.Federici@usace.army.mil](mailto:Luigi.G.Federici@usace.army.mil)

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Applicants are now able to pay Department of the Army permit fees online at [pay.gov](https://pay.gov) instead of writing and mailing a check. This convenient option allows for multiple payment methods (bank account, Amazon account, PayPal, debit or

credit card). The direct link is here: <https://www.pay.gov/public/form/start/996412796>. Attached is a pay.gov payment walk-through provided by HQ.

-  
Anything over 1,000 square feet, including waterway structures, such as boatlift canopies, (Labelle area) would stay with Ft. Myers; anything less goes to the Clewiston USACE Permitting Office.

Downloads for files over 12MB, the RPA goes into DoD Safe and "Request a Drop-off". The applicant/agent will enter the e-mail address themselves for the desired USACE Permitting Office when they upload the files.

The applicant can access this link via DoD Safe: <https://safe.apps.mil/>

-  
Link for the public to report a violation. <https://www.saj.usace.army.mil/Missions/Regulatory/Enforcement/>

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- U.S. Army Corps of Engineers, Jacksonville District, State of Florida Assumption of Section U.S.ARMY 404 Permitting Responsibilities SB:  
[https://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/other\\_permitting\\_factors/20201109-Factsheet\\_Handout-KDS.pdf](https://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/other_permitting_factors/20201109-Factsheet_Handout-KDS.pdf)

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-For more information on FDEP's request for Assumption, please visit FDEP's website at:  
<https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/404-assumption>

- ERP and State 404 Program Rules & General ERP Rules for Dredging Operations in Florida:

<https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/erp-dredging-and-filling>

- DEP Facility/Site Details and Associated Documents: <https://prodenv.dep.state.fl.us/>

- Operation Blue Roof program: <https://www.usace.army.mil/Missions/Emergency-Operations/Blue-Roof-Information/>

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Jacksonville District Permits Section: [corpsjaxreg-nj@usace.army.mil](mailto:corpsjaxreg-nj@usace.army.mil)

Pensacola Permits Section: [corpsjaxreg-nl@usace.army.mil](mailto:corpsjaxreg-nl@usace.army.mil)

Panama City Permits Section: [corpsjaxreg-np@usace.army.mil](mailto:corpsjaxreg-np@usace.army.mil)

Gainesville Regulatory Office: [TampaReg@usace.army.mil](mailto:TampaReg@usace.army.mil)

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Cocoa Beach Permits Section: [CORPSJAXREG-NC@usace.army.mil](mailto:CORPSJAXREG-NC@usace.army.mil)

Palm Beach Gardens Section: [Application-sp@usace.army.mil](mailto:Application-sp@usace.army.mil)

Florida Keys Section: [SEAPPLS@usace.army.mil](mailto:SEAPPLS@usace.army.mil)

Antilles-Miami Section: [cesaj-rd-sa@usace.army.mil](mailto:cesaj-rd-sa@usace.army.mil)

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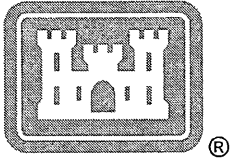
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**US Army Corps of Engineers**

**Jacksonville Florida District**

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**Sent:** Wednesday, February 28, 2024 3:13 PM  
**To:** SF.New.Applications <SF.New.Applications@usace.army.mil>  
**Subject:** FW: [Non-DoD Source] Violation of National Environmental Policy Act (NEPA)

FYA

Thanks

Yolanda A. Bringhurst

Division Secretary

Regulatory Division

Jacksonville District

(904) 232-1177

**From:** gregbmyers@verizon.net <gregbmyers@verizon.net>  
**Sent:** Tuesday, February 27, 2024 2:36 PM  
**To:** Hamor, Michelle L CIV USARMY CENAO (USA) <Michelle.L.Hamor@usace.army.mil>; SAJ-RD <saj-rd@usace.army.mil>  
**Cc:** gregbmyers@verizon.net  
**Subject:** [Non-DoD Source] Violation of National Environmental Policy Act (NEPA)

Dear Michelle L. Hamor:

On February 20, 2024, I asked a number of questions in your presentation to the City of Naples City Council, specifically with respect to the Naples Beach Club development (124.3 acres in the heart of the City of Naples, stretching from the Gulf of Mexico to U.S. 41).

The Naples Beach Club submitted a fraudulent application to FEMA in order to obtain an illegal Letter of Map Revision (LOMR) including, without limitation, failing to obtain proper documentation showing compliance with Section 7(a)(2) of the Endangered Species Act (ESA). The City of Naples swept this corruption under the rug.

Troublingly, the City's Flood Plain Coordinator who signed the FEMA application on September 29, 2020, subsequently resigned after having admitted during an ethics investigation that she had accepted payments from private developers seeking to obtain building permits from the City of Naples. The LOMR application was predicated on **fabricated topo data**. Furthermore, the "proposed project" does not meet the City of Naples floodplain management requirements, including without limitation, building "dry floodproofed" structures west of GSBN in the Coastal High Hazard Area in violation of ASCE 24, FBC, and 44 CFR 59 and 60.

The Naples Beach Club is also currently pumping contaminated groundwater into the Gulf of Mexico in violation of the Clean Water Act (CWA). See email dated September 13, 2023, copy attached:

According to the Earth Systems Report, the "concentrations of Naphthalene and 2-Methynaphthalene also exceeded their respective Chapter 62-777, FAC Natural Attenuation Default Concentrations (NADCs)." \*\*\* According to the U.S. Department of Health and Human Services (HHS), "naphthalene is reasonably anticipated to be a human carcinogen," with 1-Methylnaphthalene and 2-Methynaphthalene being identified as "naphthalene-related compounds." \*\*\* Under the EPA 1986 cancer guidelines, "naphthalene was assigned to Group C – possible human carcinogen."

The Naples Beach Club is required to obtain a permit under section 404 of the CWA. As Federal approval is a prerequisite to the development of the Naples Beach Club project, said project is subject to Federal control and responsibility. Because the Naples Beach Club project will have **significant impacts on the quality of the human environment**, the USACE must prepare an Environmental Impact Statement (EIS) and issue a record of decision (ROD). Accordingly, pursuant to the National Environmental Policy Act (**NEPA**), I respectfully demand that the USACE immediately issue a **full stop work order** for the Naples Beach Club project until an EIS can be completed, including providing the residents of the City of Naples with an opportunity for public comment and a full and fair discussion of the significant environmental impacts and the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.

I appreciate your prompt response to this very serious and time-sensitive matter.

Gregory Myers

700 Gulf Shore Blvd. N.

Naples, Florida 34102

(301) 325-2312



201006\_FDEP ERP Permit #387544-001.pdf  
19.1MB



200914\_26-049-851GulfShoreBlvd-LOMR-09-14-20-Report\_Signed Carrera.pdf  
2.7MB

Re: Big Cypress NPS Fire Station

From: gregbmyers@verizon.net (gregbmyers@verizon.net)

To: luigi.g.federici@usace.army.mil

Cc: gregbmyers@verizon.net

Date: Wednesday, February 28, 2024 at 05:11 PM EST

EMAIL 2 of 2 (topo survey)

On Wednesday, February 28, 2024 at 05:10:03 PM EST, gregbmyers@verizon.net <gregbmyers@verizon.net> wrote:

EMAIL 1 of 2

October 6, 2020, Environmental Resource Permit (ERP) for Permittee: Naples Golf and Beach Club, Inc.

Permit No: 387544-001 (Permit Expiration: October 5, 2025)

See bottom of Page 2 of 10 and top of Page 3 of 10:

Federal Authorization

Your proposed activity as outlined on your application and attached drawings does not qualify for Federal authorization pursuant to the State Programmatic General Permit and a SEPARATE permit or authorization shall be required from the Corps. You must apply separately to the Corps using their *APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT*, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at:

<https://www.saj.usace.army.mil/Missions/Regulation/Source-Book/>.

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit", Section IO of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

I have also attached a copy of the fraudulent Letter of Map Revision (LOMR) application as submitted to FEMA, together with a signed topo survey evidencing the LOMR Application is fraudulent.

Thx.

On Wednesday, February 28, 2024 at 04:20:37 PM EST, Federici, Luigi G CIV USARMY CESAJ (USA) <luigi.g.federici@usace.army.mil> wrote:

Good afternoon,

Applying to the U. S. Army Corps of Engineers (USACE) for a permit will require you to fill out and submit a USACE ENG Form 4345 (or other required form). One of the **three** versions that are provided as attachments are acceptable due to Adobe Acrobat version compatibility issues. You will then email the application and other supporting data to the appropriate email address for the USACE office for your area ([SF.New.Applications@usace.army.mil](mailto:SF.New.Applications@usace.army.mil)). I have provided the USACE ENG Form 4345 and other helpful documents to assist you in applying for a permit from the USACE.

This will start a process in which permit applications received by the Corps of Engineers are given identification numbers and reviewed for completeness. A request for additional information may be requested, if necessary, from your assigned Project Manager (PM). For standard individual permit reviews, a public notice initiating a 15- or 30-day public comment period will be issued within 15 days of receiving all the required information. After the comment period, the Corps will review all the comments. The Corps may ask for additional information at this time and a public hearing may be conducted if one has been specifically requested or determined to be necessary. For all projects, the Corps will consult with other state and federal agencies and Native American tribes as appropriate. When all considerations are satisfied, the District Engineer will decide to either issue or deny the permit application. If a permit is denied, the applicant will receive a written explanation.

The Corps' goal is to decide on all applications within 60 days after receipt of a complete application for minor permits and 120 days for individual permits, unless: a decision is precluded as a matter of law or procedures required by law. If that occurs, then the case must be referred to higher authority; the comment period of a public notice is extended; a timely submittal of information or comments is not received from the applicant. Also, the processing is suspended at the request of the applicant; or information needed by the district engineer for a decision on the application cannot reasonably be obtained within the 60- or 120-day period.

Upon receipt of your permit application, you will be sent an email acknowledgement of receipt and a Corps reference number specific to your file. You should refer to this number when inquiring about your application. If your application is incomplete, the Corps will request the additional information needed to continue its review. The project will be reviewed, balancing the need and expected benefits against the probable impacts of the work, taking into consideration all comments received and other relevant factors. In the meantime, you may want to see what county or state restrictions, or land use limitations are in place regarding this type of work.

We request that you provide at least two aerial views (project site or plot view and one at a higher elevation) of the project area. The photos are used to match against the USACE data base of maps to verify the location and if another project was sanctioned by the USACE in that location before. I recommend going to Google Earth and going right to your property by typing in your address. Also, you can get aerial views and location coordinates from your county's property website or county tax assessor's website if you have trouble with the Google Earth app (which you shouldn't).

Regarding latitude and longitude, it is best to use the decimal conversion of the project location (your form had no coordinates). To obtain these coordinates, go to Google Earth where you will get the coordinates in deg./min./sec. of the project site that will show up in the lower right side of your screen. Make sure that the compass arrow (red side not white side) stops at the North direction. The compass that I am referring to is in the lower right side of the screen too. You do this by double clicking the rotating compass dial to get it to point North. Since these values will show up in a degrees/minutes/seconds format and convert it to decimal use this website. <https://www.fcc.gov/media/radio/dms-decimal>. These coordinates should be the centroid location of the total project site or work area.

The reason for ensuring that the correct coordinates and address are on the USACE application is to properly verify the project's location. Please be aware that using the USACE application checklist is very beneficial for the processing of your application as well. Not to mention providing us with any other pertinent data or documents related to the project i.e. FL Dept. of Environment or other county or local forms. Any attachments for applications should be clearly labeled as to their contents instead of into one large PDF document. Applicable links to websites

that will be useful for you in completing your application are provided below my contact information. Once that is done just provide all the documents to the Ft. Myers Email Inbox not my personal work email (see below). Any cost required for the processing of your permit will be requested by your Project Manager when that person is assigned to your project. In closing, I hope that this email addresses your inquiry and makes you a better an informed applicant or agent requesting assistance from the USACE.

FDEP Office	County	Email
Northeast District	Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Madison, Nassau, Putnam, St. Johns, Suwannee, Taylor, Union	<a href="mailto:DEP_NED@dep.state.fl.us">DEP_NED@dep.state.fl.us</a>
Central District	Brevard, Lake, Marion, Orange, Osceola, Seminole, Sumter, Volusia	<a href="mailto:DEP_CD@dep.state.fl.us">DEP_CD@dep.state.fl.us</a>
Northwest District	Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, Washington	<a href="mailto:NWD_ERP_Applications@dep.state.fl.us">NWD_ERP_Applications@dep.state.fl.us</a>
South District	Charlotte, Collier, Desoto, Glades, Hendry, Highlands, Lee, Monroe, Sarasota	<a href="mailto:SD_ERP_Permit@dep.state.fl.us">SD_ERP_Permit@dep.state.fl.us</a>
Southeast District	Broward, Indian River, Martin, Miami-Dade, Okeechobee, Palm Beach, St. Lucie	<a href="mailto:SED_Permitting@dep.state.fl.us">SED_Permitting@dep.state.fl.us</a>
Southwest District	Citrus, Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk	<a href="mailto:SW_ERP@dep.state.fl.us">SW_ERP@dep.state.fl.us</a>

Sample Attachment Titles for an Application to the USACE:

Attachment A – Signed ENG Form 4345

Attachment B – Historical Aerials

Attachment C – Project Plans

Attachment D – Drainage Calculations Report

Attachment E – Site Photographs

Attachment F – Wetland Impact Map

Attachment G – PDC Forms

Attachment H – FL Dept. of Env. Protection Agency Permit

Best Regards,

Luigi (Lou) Federici.

Regulatory Program Assistant

USACE Jacksonville District

701 San Marco Blvd

Jacksonville, FL 32207-8175

☎ (904) 860-7400 (Cellular is Primary Phone)

☎ (904) 570-4510 (Non-Telework)

Email: [Luigi.G.Federici@usace.army.mil](mailto:Luigi.G.Federici@usace.army.mil)

**Regulatory Program and Permits** / Frequently Asked Questions: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Frequently-Asked-Questions/>

\* PLEASE NOTE: The U.S. Army Corps of Engineers no longer receives permit applications or related information from the Florida DEP or the Water Management Districts. Paths to USACE websites of interest:

NOTE: If the project is located in navigable waters (tidal waters and some other non-tidal waterways), there is no exemption available. A permit is always required in navigable waters (or what we call Section 10 waters) for any work (structures, dredging, utility lines under or above, etc.) in, on, under, or over these waters. Also, the USACE has no jurisdiction over sovereign submerged lands issues, that is specifically a State issue (FLDEP). However, if you are placing or removing structures or renovating the marina, then you will need a permit from the USACE.

Path to the USACE Permit Portal Site: <https://permits.ops.usace.army.mil/orm-public>. The "Final IPs" and "Pending IPs" menu items at the top of the map therein will only access Standard Permits and Letters of Permission. Most often permits that applicants or agents will want to access are "RGPs" (Regional General Permits or Nationwide Permits). The other menu items are for permits issued under limited circumstances. They will display information on RGPs but only those RGPs reviewed under Emergency Procedures, under WRDA agreements (e.g, in Florida, those are with FDOT and FP&L), and those related to the Deepwater Horizon project.

The U.S. Fish and Wildlife Service is the principal federal agency tasked with providing information to the public on the extent and status of the nation's wetland and deepwater habitats, as well as changes to these habitats over time. [National Wetlands Inventory](#) | [U.S. Fish & Wildlife Service \(fws.gov\)](#)

Bi-Partisan Infrastructure Law (BIL) Team Project Assignments - Used for overflow work from other USACE SAJ offices. [CESAS-RDR@usace.army.mil](mailto:CESAS-RDR@usace.army.mil) the RPA includes this in the email's subject line: District (SAJ)-Office (Tampa, Ft. Myers, etc.)-Permit Type (SAJ 20, etc.).

Finding an ERP Permit on the DEP Internet Site: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/finding-erp-permit-dep-internet>

**Freedom of Information Act (FOIA) Page** via <https://www.usace.army.mil/FOIA.aspx>

To assist you with your request, we have provided information on the procedures, rules and regulations pertinent to the Corps of Engineers' processing of Freedom of Information Act (FOIA) requests. Also provided are links to various sites, which you may find helpful in understanding and interpreting the Act. For additional assistance in submitting a

request, see the Army Citizens Guide or the Department of Defense's FOIA Handbook. The Guide and the Handbook provide advice on the rules of the FOIA and how to submit a FOIA request to Army and Defense Department Agencies.

Applicants are now able to pay Department of the Army permit fees online at pay.gov instead of writing and mailing a check. This convenient option allows for multiple payment methods (bank account, Amazon account, PayPal, debit or credit card). The direct link is here: <https://www.pay.gov/public/form/start/996412796>. Attached is a pay.gov payment walk-through provided by HQ.

Anything over 1,000 square feet, including waterway structures, such as boatlift canopies, (Labelle area) would stay with Ft. Myers; anything less goes to the Clewiston USACE Permitting Office.

Downloads for files over 12MB, the RPA goes into DoD Safe and "Request a Drop-off". The applicant/agent will enter the e-mail address themselves for the desired USACE Permitting Office when they upload the files.

The applicant can access this link via DoD Safe: <https://safe.apps.mil/>

Link for the public to report a violation. <https://www.saj.usace.army.mil/Missions/Regulatory/Enforcement/>

State Programmatic General Permit (SPGP) information can be found via this link:  
<https://www.saj.usace.army.mil/SPGP/>

\*\*\*NOTICE: Pursuant to Section 404(g) of the Clean Water Act (CWA), 33 U.S.C. § 1344(g), the FDEP assumed administration of a portion of the CWA Section 404 program, referred to as Assumption. The Corps acknowledges Assumption was implemented by January 15, 2021. Thus, the Corps will transfer to the FDEP any pending Section 404 permit applications proposing discharges in State 'assumed' waters from that date on.

- EXTERNAL Automated Wetland Determination Data Sheets (ADS): [https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/reg\\_supp/](https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/reg_supp/)

- U.S. Army Corps of Engineers, Jacksonville District, State of Florida Assumption of Section U.S.ARMY 404 Permitting Responsibilities SB:  
[https://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/other\\_permitting\\_factors/20201109-Factsheet\\_Handout-KDS.pdf](https://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/other_permitting_factors/20201109-Factsheet_Handout-KDS.pdf)

-For more information on the status of the Corps' transition, please visit the Corps' website under "Regulatory News" at: <https://www.saj.usace.army.mil/Missions/Regulatory/>

-For more information on the status of EPA's decision, please visit EPA's website at: <https://www.epa.gov/cwa404g>

-For more information on FDEP's request for Assumption, please visit FDEP's website at:  
<https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/404-assumption>

- ERP and State 404 Program Rules & General ERP Rules for Dredging Operations in Florida:

<https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/erp-dredging-and-filling>

- DEP Facility/Site Details and Associated Documents: <https://prodenv.dep.state.fl.us/>

- Operation Blue Roof program: <https://www.usace.army.mil/Missions/Emergency-Operations/Blue-Roof-Information/>

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Florida Keys Section: [SEAPPLS@usace.army.mil](mailto:SEAPPLS@usace.army.mil)

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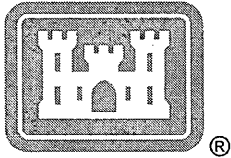
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**US Army Corps of Engineers**  
**Jacksonville Florida District**

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**Sent:** Wednesday, February 28, 2024 3:13 PM  
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FYA

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Yolanda A. Bringhurst  
Division Secretary  
Regulatory Division  
Jacksonville District  
(904) 232-1177

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The Naples Beach Club is also currently pumping contaminated groundwater into the Gulf of Mexico in violation of the Clean Water Act (CWA). See email dated September 13, 2023, copy attached:

According to the Earth System's Report, the "concentrations of Naphthalene and 2-Methynaphthalene also exceeded their respective Chapter 62-777, FAC Natural Attenuation Default Concentrations (NADCs)." \*\*\* According to the U.S. Department of Health and Human Services (HHS), "naphthalene is reasonably anticipated to be a human carcinogen," with 1-Methylnaphthalene and 2-Methynaphthalene being identified as "naphthalene-related compounds." \*\*\* Under the EPA 1986 cancer guidelines, "naphthalene was assigned to Group C – possible human carcinogen."

The Naples Beach Club is required to obtain a permit under section 404 of the CWA. As Federal approval is a prerequisite to the development of the Naples Beach Club project, said project is subject to Federal control and responsibility. Because the Naples Beach Club project will have **significant impacts on the quality of the human environment**, the USACE must prepare an Environmental Impact Statement (EIS) and issue a record of decision (ROD). Accordingly, pursuant to the National Environmental Policy Act (NEPA), I respectfully demand that the USACE immediately issue a **full stop work order** for the Naples Beach Club project until an EIS can be completed, including providing the residents of the City of Naples with an opportunity for public comment and a full and fair discussion of the significant environmental impacts and the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.

I appreciate your prompt response to this very serious and time-sensitive matter.

Gregory Myers

700 Gulf Shore Blvd. N.

Naples, Florida 34102

(301) 325-2312



14\_CCL\_Approved\_Plans\_\_Survey.pdf  
21.5MB

Re: Big Cypress NPS Fire Station

From: gregbmyers@verizon.net (gregbmyers@verizon.net)

To: Luigi.G.Federici@usace.army.mil

Cc: gregbmyers@verizon.net

Date: Wednesday, February 28, 2024 at 05:30 PM EST

See attached, FDEP ERP Permit (bottom page 2 and top page 3):

On Wednesday, February 28, 2024 at 04:20:37 PM EST, Federici, Luigi G CIV USARMY CESAJ (USA) <luigi.g.federici@usace.army.mil> wrote:

Good afternoon,

Applying to the U. S. Army Corps of Engineers (USACE) for a permit will require you to fill out and submit a USACE ENG Form 4345 (or other required form). One of the **three** versions that are provided as attachments are acceptable due to Adobe Acrobat version compatibility issues. You will then email the application and other supporting data to the appropriate email address for the USACE office for your area ([SF.New.Applications@usace.army.mil](mailto:SF.New.Applications@usace.army.mil)). I have provided the USACE ENG Form 4345 and other helpful documents to assist you in applying for a permit from the USACE.

This will start a process in which permit applications received by the Corps of Engineers are given identification numbers and reviewed for completeness. A request for additional information may be requested, if necessary, from your assigned Project Manager (PM). For standard individual permit reviews, a public notice initiating a 15- or 30-day public comment period will be issued within 15 days of receiving all the required information. After the comment period, the Corps will review all the comments. The Corps may ask for additional information at this time and a public hearing may be conducted if one has been specifically requested or determined to be necessary. For all projects, the Corps will consult with other state and federal agencies and Native American tribes as appropriate. When all considerations are satisfied, the District Engineer will decide to either issue or deny the permit application. If a permit is denied, the applicant will receive a written explanation.

The Corps' goal is to decide on all applications within 60 days after receipt of a complete application for minor permits and 120 days for individual permits, unless: a decision is precluded as a matter of law or procedures required by law. If that occurs, then the case must be referred to higher authority; the comment period of a public notice is extended; a timely submittal of information or comments is not received from the applicant. Also, the processing is suspended at the request of the applicant; or information needed by the district engineer for a decision on the application cannot reasonably be obtained within the 60- or 120-day period.

Upon receipt of your permit application, you will be sent an email acknowledgement of receipt and a Corps reference number specific to your file. You should refer to this number when inquiring about your application. If your application is incomplete, the Corps will request the additional information needed to continue its review. The project will be reviewed, balancing the need and expected benefits against the probable impacts of the work, taking into consideration all comments received and other relevant factors. In the meantime, you may want to see what county or state restrictions, or land use limitations are in place regarding this type of work.

We request that you provide at least two aerial views (project site or plot view and one at a higher elevation) of the project area. The photos are used to match against the USACE data base of maps to verify the location and if

another project was sanctioned by the USACE in that location before. I recommend going to Google Earth and going right to your property by typing in your address. Also, you can get aerial views and location coordinates from your county's property website or county tax assessor's website if you have trouble with the Google Earth app (which you shouldn't).

Regarding latitude and longitude, it is best to use the decimal conversion of the project location (your form had no coordinates). To obtain these coordinates, go to Google Earth where you will get the coordinates in deg./min./sec. of the project site that will show up in the lower right side of your screen. Make sure that the compass arrow (red side not white side) stops at the North direction. The compass that I am referring to is in the lower right side of the screen too. You do this by double clicking the rotating compass dial to get it to point North. Since these values will show up in a degrees/minutes/seconds format and convert it to decimal use this website.

<https://www.fcc.gov/media/radio/dms-decimal>. These coordinates should be the centroid location of the total project site or work area.

The reason for ensuring that the correct coordinates and address are on the USACE application is to properly verify the project's location. Please be aware that using the USACE application checklist is very beneficial for the processing of your application as well. Not to mention providing us with any other pertinent data or documents related to the project i.e. FL Dept. of Environment or other county or local forms. Any attachments for applications should be clearly labeled as to their contents instead of into one large PDF document. Applicable links to websites that will be useful for you in completing your application are provided below my contact information. Once that is done just provide all the documents to the Ft. Myers Email Inbox not my personal work email (see below). Any cost required for the processing of your permit will be requested by your Project Manager when that person is assigned to your project. In closing, I hope that this email addresses your inquiry and makes you a better an informed applicant or agent requesting assistance from the USACE.

FDEP Office	County	Email
Northeast District	Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Madison, Nassau, Putnam, St. Johns, Suwannee, Taylor, Union	<a href="mailto:DEP_NED@dep.state.fl.us">DEP_NED@dep.state.fl.us</a>
Central District	Brevard, Lake, Marion, Orange, Osceola, Seminole, Sumter, Volusia	<a href="mailto:DEP_CD@dep.state.fl.us">DEP_CD@dep.state.fl.us</a>
Northwest District	Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, Washington	<a href="mailto:NWD_ERP_Applications@dep.state.fl.us">NWD_ERP_Applications@dep.state.fl.us</a>
South District	Charlotte, Collier, Desoto, Glades, Hendry, Highlands, Lee, Monroe, Sarasota	<a href="mailto:SD_ERP_Permit@dep.state.fl.us">SD_ERP_Permit@dep.state.fl.us</a>
Southeast District	Broward, Indian River, Martin, Miami-Dade, Okeechobee, Palm Beach, St. Lucie	<a href="mailto:SED_Permitting@dep.state.fl.us">SED_Permitting@dep.state.fl.us</a>
Southwest District	Citrus, Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk	<a href="mailto:SW_ERP@dep.state.fl.us">SW_ERP@dep.state.fl.us</a>

Sample Attachment Titles for an Application to the USACE:

Attachment A – Signed ENG Form 4345

Attachment B – Historical Aerials

Attachment C – Project Plans

Attachment D – Drainage Calculations Report

Attachment E – Site Photographs

Attachment F – Wetland Impact Map

Attachment G – PDC Forms

Attachment H – FL Dept. of Env. Protection Agency Permit

Best Regards,

Luigi (Lou) Federici.

Regulatory Program Assistant

USACE Jacksonville District

701 San Marco Blvd

Jacksonville, FL 32207-8175

☎ (904) 860-7400 (Cellular is Primary Phone)

☎ (904) 570-4510 (Non-Telework)

Email: [Luigi.G.Federici@usace.army.mil](mailto:Luigi.G.Federici@usace.army.mil)

**Regulatory Program and Permits** / Frequently Asked Questions: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Frequently-Asked-Questions/>

\* PLEASE NOTE: The U.S. Army Corps of Engineers no longer receives permit applications or related information from the Florida DEP or the Water Management Districts. Paths to USACE websites of interest:

NOTE: If the project is located in navigable waters (tidal waters and some other non-tidal waterways), there is no exemption available. A permit is always required in navigable waters (or what we call Section 10 waters) for any work (structures, dredging, utility lines under or above, etc.) in, on, under, or over these waters. Also, the USACE has no jurisdiction over sovereign submerged lands issues, that is specifically a State issue (FLDEP). However, if you are placing or removing structures or renovating the marina, then you will need a permit from the USACE.

Path to the USACE Permit Portal Site: <https://permits.ops.usace.army.mil/orm-public>. The "Final IPs" and "Pending IPs" menu items at the top of the map therein will only access Standard Permits and Letters of Permission. Most often permits that applicants or agents will want to access are "RGPs" (Regional General Permits or Nationwide Permits). The other menu items are for permits issued under limited circumstances. They will display information on RGPs but only those RGPs reviewed under Emergency Procedures, under WRDA agreements (e.g, in Florida, those are with FDOT and FP&L), and those related to the Deepwater Horizon project.

The U.S. Fish and Wildlife Service is the principal federal agency tasked with providing information to the public on the extent and status of the nation's wetland and deepwater habitats, as well as changes to these habitats over time. [National Wetlands Inventory | U.S. Fish & Wildlife Service \(fws.gov\)](#)

Bi-Partisan Infrastructure Law (BIL) Team Project Assignments - Used for overflow work from other USACE SAJ offices. [CESAS-RDR@usace.army.mil](mailto:CESAS-RDR@usace.army.mil) the RPA includes this in the email's subject line: District (SAJ)-Office (Tampa, Ft. Myers, etc.)-Permit Type (SAJ 20, etc.).

Finding an ERP Permit on the DEP Internet Site: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/finding-erp-permit-dep-internet>

**Freedom of Information Act (FOIA) Page** via <https://www.usace.army.mil/FOIA.aspx>

To assist you with your request, we have provided information on the procedures, rules and regulations pertinent to the Corps of Engineers' processing of Freedom of Information Act (FOIA) requests. Also provided are links to various sites, which you may find helpful in understanding and interpreting the Act. For additional assistance in submitting a request, see the Army Citizens Guide or the Department of Defense's FOIA Handbook. The Guide and the Handbook provide advice on the rules of the FOIA and how to submit a FOIA request to Army and Defense Department Agencies.

Applicants are now able to pay Department of the Army permit fees online at [pay.gov](https://www.pay.gov/public/form/start/996412796) instead of writing and mailing a check. This convenient option allows for multiple payment methods (bank account, Amazon account, PayPal, debit or credit card). The direct link is here: <https://www.pay.gov/public/form/start/996412796>. Attached is a pay.gov payment walk-through provided by HQ.

Anything over 1,000 square feet, including waterway structures, such as boatlift canopies, (Labelle area) would stay with Ft. Myers; anything less goes to the Clewiston USACE Permitting Office.

Downloads for files over 12MB, the RPA goes into DoD Safe and "Request a Drop-off". The applicant/agent will enter the e-mail address themselves for the desired USACE Permitting Office when they upload the files.

The applicant can access this link via DoD Safe: <https://safe.apps.mil/>

Link for the public to report a violation. <https://www.saj.usace.army.mil/Missions/Regulatory/Enforcement/>

State Programmatic General Permit (SPGP) information can be found via this link: <https://www.saj.usace.army.mil/SPGP/>

\*\*\*NOTICE: Pursuant to Section 404(g) of the Clean Water Act (CWA), 33 U.S.C. § 1344(g), the FDEP assumed administration of a portion of the CWA Section 404 program, referred to as Assumption. The Corps acknowledges Assumption was implemented by January 15, 2021. Thus, the Corps will transfer to the FDEP any pending Section 404 permit applications proposing discharges in State 'assumed' waters from that date on.

- **EXTERNAL Automated Wetland Determination Data Sheets (ADS):** [https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/reg\\_supp/](https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/reg_supp/)

- U.S. Army Corps of Engineers, Jacksonville District, State of Florida Assumption of Section U.S.ARMY 404 Permitting Responsibilities SB:

[https://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/other\\_permitting\\_factors/20201109-Factsheet\\_Handout-KDS.pdf](https://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/other_permitting_factors/20201109-Factsheet_Handout-KDS.pdf)

-For more information on the status of the Corps' transition, please visit the Corps' website under "Regulatory News" at: <https://www.saj.usace.army.mil/Missions/Regulatory/>

-For more information on the status of EPA's decision, please visit EPA's website at: <https://www.epa.gov/cwa404g>

-For more information on FDEP's request for Assumption, please visit FDEP's website at: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/404-assumption>

- ERP and State 404 Program Rules & General ERP Rules for Dredging Operations in Florida:

<https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/erp-dredging-and-filling>

- DEP Facility/Site Details and Associated Documents: <https://prodenv.dep.state.fl.us/>

- Operation Blue Roof program: <https://www.usace.army.mil/Missions/Emergency-Operations/Blue-Roof-Information/>

\* You may electronically submit information for new permit applications to the following:

Florida Power & Light Inbox: [corpsjaxreg-fpl@usace.army.mil](mailto:corpsjaxreg-fpl@usace.army.mil)

Jacksonville District Permits Section: [corpsjaxreg-nj@usace.army.mil](mailto:corpsjaxreg-nj@usace.army.mil)

Pensacola Permits Section: [corpsjaxreg-nl@usace.army.mil](mailto:corpsjaxreg-nl@usace.army.mil)

Panama City Permits Section: [corpsjaxreg-np@usace.army.mil](mailto:corpsjaxreg-np@usace.army.mil)

Gainesville Regulatory Office: [TampaReg@usace.army.mil](mailto:TampaReg@usace.army.mil)

Ft. Myers Permits Section: [SF.New.Applications@usace.army.mil](mailto:SF.New.Applications@usace.army.mil)

Clewiston USACE Field Office: [Robert.R.Hill@usace.army.mil](mailto:Robert.R.Hill@usace.army.mil)

Tampa Bay Permits Section: [TampaReg@usace.army.mil](mailto:TampaReg@usace.army.mil)

Cocoa Beach Permits Section: [CORPSJAXREG-NC@usace.army.mil](mailto:CORPSJAXREG-NC@usace.army.mil)

Palm Beach Gardens Section: [Application-sp@usace.army.mil](mailto:Application-sp@usace.army.mil)

Florida Keys Section: [SEAPPLS@usace.army.mil](mailto:SEAPPLS@usace.army.mil)

Antilles-Miami Section: [cesaj-rd-sa@usace.army.mil](mailto:cesaj-rd-sa@usace.army.mil)

Special Projects Branch BIL Team: [CESAS-RDR@usace.army.mil](mailto:CESAS-RDR@usace.army.mil)

RD Enforcement Team correspondence or requests to [saj-rd-enforcement@usace.army.mil](mailto:saj-rd-enforcement@usace.army.mil)

\* Download the ENG 4345 application form here:

[https://www.publications.usace.army.mil/Portals/76/Publications/EngineerForms/Eng\\_Form\\_4345\\_2019Feb.pdf?ver=2019-03-08-083618-337](https://www.publications.usace.army.mil/Portals/76/Publications/EngineerForms/Eng_Form_4345_2019Feb.pdf?ver=2019-03-08-083618-337)

\* Download the application checklist here:

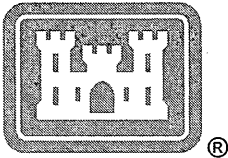
[http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/permitting/forms/Checklists/Checklist\\_ENG4345fillable.pdf](http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/permitting/forms/Checklists/Checklist_ENG4345fillable.pdf)

Note: Standard Permits (SP) and Letter of Permission (LOP) can be modified with a USACE ENG Form 4345 and supporting documentation. However Nationwide Permits (NWP) and Regional General Permits (RGP) can't be modified. Thus, changes to NWPs and RGPs to permits require a new application with supporting documentation that would still be based off a previous permit.

-FACT SHEET for USACE PERMITTING REQUIREMENTS:

[https://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/other\\_permitting\\_factors/20201109-Factsheet\\_Handout-KDS.pdf](https://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/other_permitting_factors/20201109-Factsheet_Handout-KDS.pdf)

The Regulatory Customer Service Survey has moved to the cloud and has a new URL beginning on Mon 5 Apr 2021-  
<https://regulatory.ops.usace.army.mil/customer-service-survey/>



**US Army Corps of Engineers**

**Jacksonville Florida District**

---

**From:** SAJ-RD <saj-rd@usace.army.mil>

**Sent:** Wednesday, February 28, 2024 3:13 PM

**To:** SF.New.Applications <SF.New.Applications@usace.army.mil>

**Subject:** FW: [Non-DoD Source] Violation of National Environmental Policy Act (NEPA)

FYA

Thanks

Yolanda A. Bringham

Division Secretary



Regulatory Division

Jacksonville District

(904) 232-1177

**From:** gregbmyers@verizon.net <gregbmyers@verizon.net>

**Sent:** Tuesday, February 27, 2024 2:36 PM

**To:** Hamor, Michelle L CIV USARMY CENAO (USA) <Michelle.L.Hamor@usace.army.mil>; SAJ-RD <saj-rd@usace.army.mil>

**Cc:** gregbmyers@verizon.net

**Subject:** [Non-DoD Source] Violation of National Environmental Policy Act (NEPA)

Dear Michelle L. Hamor:

On February 20, 2024, I asked a number of questions in your presentation to the City of Naples City Council, specifically with respect to the Naples Beach Club development (124.3 acres in the heart of the City of Naples, stretching from the Gulf of Mexico to U.S. 41).

The Naples Beach Club submitted a fraudulent application to FEMA in order to obtain an illegal Letter of Map Revision (LOMR) including, without limitation, failing to obtain proper documentation showing compliance with Section 7(a)(2) of the Endangered Species Act (ESA). The City of Naples swept this corruption under the rug.

Troublingly, the City's Flood Plain Coordinator who signed the FEMA application on September 29, 2020, subsequently resigned after having admitted during an ethics investigation that she had accepted payments from private developers seeking to obtain building permits from the City of Naples. The LOMR application was predicated on **fabricated topo data**. Furthermore, the "proposed project" does not meet the City of Naples floodplain management requirements, including without limitation, building "dry floodproofed" structures west of GSNB in the Coastal High Hazard Area in violation of ASCE 24, FBC, and 44 CFR 59 and 60.

The Naples Beach Club is also currently pumping contaminated groundwater into the Gulf of Mexico in violation of the Clean Water Act (CWA). See email dated September 13, 2023, copy attached:

According to the Earth Systems Report, the "concentrations of Naphthalene and 2-Methynaphthalene also exceeded their respective Chapter 62-777, FAC Natural Attenuation Default Concentrations (NADCs)." \*\*\* According to the U.S. Department of Health and Human Services (HHS), "naphthalene is reasonably anticipated to be a human carcinogen," with 1-Methylnaphthalene and 2-Methynaphthalene being identified as "naphthalene-related compounds." \*\*\* Under the EPA 1986 cancer guidelines, "naphthalene was assigned to Group C – possible human carcinogen."

The Naples Beach Club is required to obtain a permit under section 404 of the CWA. As Federal approval is a prerequisite to the development of the Naples Beach Club project, said project is subject to Federal control and responsibility. Because the Naples Beach Club project will have **significant impacts on the quality of the human environment**, the USACE must prepare an Environmental Impact Statement (EIS) and issue a record of decision (ROD). Accordingly, pursuant to the National Environmental Policy Act (**NEPA**), I respectfully demand that the USACE immediately issue a **full stop work order** for the Naples Beach Club project until an EIS can be completed, including providing the residents of the City of Naples with an opportunity for public comment and a full and fair discussion of the significant environmental impacts and the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.

I appreciate your prompt response to this very serious and time-sensitive matter.

Gregory Myers

700 Gulf Shore Blvd. N.

Naples, Florida 34102

(301) 325-2312



201006\_FDEP ERP Permit #387544-001.pdf  
19.1MB

**FW: [Non-DoD Source] Violation of National Environmental Policy Act (NEPA)**

From: Federici, Luigi G CIV USARMY CESAJ (USA) (luigi.g.federici@usace.army.mil)

To: gregbmyers@verizon.net

Date: Friday, March 1, 2024 at 05:32 PM EST

**From:** Federici, Luigi G CIV USARMY CESAJ (USA)

**Sent:** Friday, March 1, 2024 4:47 PM

**To:** gregbmyers@verizon.net

**Subject:** FW: [Non-DoD Source] Violation of National Environmental Policy Act (NEPA)

**From:** Federici, Luigi G CIV USARMY CESAJ (USA)

**Sent:** Wednesday, February 28, 2024 6:27 PM

**To:** 'gregbmyers@verizon.net' <gregbmyers@verizon.net>; Hamor, Michelle L CIV USARMY CENAO (USA) <Michelle.L.Hamor@usace.army.mil>

**Cc:** SAJ-RD-Enforcement <saj-rd-enforcement@usace.army.mil>; 'SD\_ERP\_Permit@dep.state.fl.us' <SD\_ERP\_Permit@dep.state.fl.us>; Rabney, Steven J CIV USARMY CESAJ (USA) <Steven.J.Rabney@usace.army.mil>; Gilbert, Michelle L CIV USARMY CESAJ (USA) <Michelle.L.Gilbert@usace.army.mil>

**Subject:** FW: [Non-DoD Source] Violation of National Environmental Policy Act (NEPA)

Good afternoon,

The below information is provided to you regarding alleged unauthorized work at 851 Gulf Shore Blvd N. Naples, FL, 34102. Mr. Myers sent an email about an ongoing project in Naples FL to the SAJ general email inbox at approx. 1500 on 28 February 2024. It was then forwarded to me as the RPA for the Ft. Myers USACE Permitting Office. Mr. Myers requested via email and a phone conversation that he would like this matter to be immediately brought to the attention of the USACE SAJ Enforcement Team and the FDEP. This because Mr. Myers clearly pointed out that the Naples Golf and Beach Club neglected to obtain a permit from the USACE Jacksonville FL Regulatory Division. As per the FDEP ERP Permit #387544-001 (page 2 & 3) "Your proposed activity as outlined on your application and attached drawings does not qualify for Federal authorization pursuant to the State Programmatic General Permit and a SEPARATE permit or authorization shall be required from the Corps. You must apply separately to the Corps using their APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT, ENG FORM 4345, or alternative as allowed by their regulations". It is of note that the RPA for the Ft. Myers Permitting Office did not find a project on file in USACE database for this project site. Also, the Supplemental Site Assessment Report (for Shelton Jaguar) 800 9th Street North Naples, Florida is available upon request from Mr. Myers. In closing, Mr. Myers has been provided information on how to contact the USACE SAJ Enforcement Team and we thank him for his concern for environmental standards, state regulations and federal guidelines for projects in Waters of the United States (WOTUS).

Mr. Greg Myers EMAIL 1 of 2

October 6, 2020, Environmental Resource Permit (ERP) for Permittee: Naples Golf and Beach Club, Inc. Permit No: 387544-001 (Permit Expiration: October 5, 2025). See bottom of Page 2 of 10 and top of Page 3 of 10 of the FDEP Permit:

Mr. Greg Myers EMAIL 2 of 2 (topo survey)

On Wednesday, February 28, 2024 at 05:10:03 PM EST, gregbmyers@verizon.net <gregbmyers@verizon.net> wrote:

## Information for the Public about USACE SAJ Enforcement Actions:

### Regulatory Enforcement

The Corps of Engineers' enforcement program is based on a policy of the regulation of the waters of the United States by discouraging activities that have not been properly authorized and by requiring corrective measures, where appropriate, to ensure those waters are not misused and to maintain the integrity of the program.

If a violation is suspected, steps are taken to inspect the suspected violation in a timely manner. The scheduling of investigations will reflect the nature and location of the suspected violations, the anticipated impacts, and the most effective use of inspection resources available. These investigations should confirm whether a violation exists, and if so, will identify the extent of the violation and the responsible parties.

The Corps may issue orders requiring corrective action including removal of the unauthorized work and restoration, and/or in certain cases accept an after-the-fact permit application, initiate legal action, or recommend referral to the Environmental Protection Agency for administrative, civil or criminal penalties. The EPA has independent enforcement authority under the Clean Water Act for unauthorized discharges. The Corps works closely with the EPA to coordinate the most effective and efficient resolution of Section 404 Clean Water Act violations. For appropriate cases, the Corps may recommend criminal or civil actions to obtain penalties for violations. Appropriate cases for criminal or civil action include, but are not limited to, violations which, in the Corps' opinion, are willful, repeated, flagrant, or of substantial impact.

### Helpful advice for avoiding enforcement actions:

- Never initiate any activities in the waters of the United States without a Corps-issued Department of Army permit
- Obtaining a state permit does not obviate the need to obtain a permit from the Corps of Engineers
- Read all permit conditions, both general and specific
- Adhere to all permit conditions
- Contact the Corps for any post-permitting changes or accidental fills
- When in doubt, call the Corps or email the Corps at [SAJ-RD-Enforcement@usace.army.mil](mailto:SAJ-RD-Enforcement@usace.army.mil)

A violation of the Clean Water Act involves the discharge of pollutants into navigable waters from a point source by any person without authorization or exemption. Individuals or organizations reporting a suspected Clean Water Act violation can assist the Corps investigation by providing information on the "[alleged violation reporting form](#)".

The Corps may issue orders requiring corrective action including

- Removal of the unauthorized work and restoration, and/or in certain cases accept an after-the-fact permit application Initiate legal action
- Recommend referral to the EPA for administrative, civil or criminal penalties.
- The EPA has independent enforcement authority under the Clean Water Act for unauthorized discharges. The Corps works closely with the EPA to coordinate the most effective and efficient resolution of Section 404 Clean Water Act violations.

Link for the public to report a violation. <https://www.saj.usace.army.mil/Missions/Regulatory/Enforcement/> or call 904-232-1177.

Best Regards,

Luigi (Lou) Federici.


Regulatory Program Assistant


USACE Jacksonville District

701 San Marco Blvd

Jacksonville, FL 32207-8175

 (904) 860-7400 (Cellular is Primary Phone)

 (904) 570-4510 (Non-Telework)

 [Luigi.G.Federici@usace.army.mil](mailto:Luigi.G.Federici@usace.army.mil)

**From:** SAJ-RD <[saj-rd@usace.army.mil](mailto:saj-rd@usace.army.mil)>  
**Sent:** Wednesday, February 28, 2024 3:13 PM  
**To:** SF.New.Applications <[SF.New.Applications@usace.army.mil](mailto:SF.New.Applications@usace.army.mil)>  
**Subject:** FW: [Non-DoD Source] Violation of National Environmental Policy Act (NEPA)

FYA

Thanks

Yolanda A. Bringham  
Division Secretary  
Regulatory Division  
Jacksonville District  
(904) 232-1177

**From:** [gregbmyers@verizon.net](mailto:gregbmyers@verizon.net) <[gregbmyers@verizon.net](mailto:gregbmyers@verizon.net)>  
**Sent:** Tuesday, February 27, 2024 2:36 PM  
**To:** Hamor, Michelle L CIV USARMY CENAO (USA) <[Michelle.L.Hamor@usace.army.mil](mailto:Michelle.L.Hamor@usace.army.mil)>; SAJ-RD <[saj-rd@usace.army.mil](mailto:saj-rd@usace.army.mil)>  
**Cc:** [gregbmyers@verizon.net](mailto:gregbmyers@verizon.net)  
**Subject:** [Non-DoD Source] Violation of National Environmental Policy Act (NEPA)

Dear Michelle L. Hamor:

On February 20, 2024, I asked a number of questions in your presentation to the City of Naples City Council, specifically with respect to the Naples Beach Club development (124.3 acres in the heart of the City of Naples, stretching from the Gulf of Mexico to U.S. 41).

The Naples Beach Club submitted a fraudulent application to FEMA in order to obtain an illegal Letter of Map Revision (LOMR) including, without limitation, failing to obtain proper documentation showing compliance with Section 7(a)(2) of the Endangered Species Act (ESA). The City of Naples swept this corruption under the rug.

Troublingly, the City's Flood Plain Coordinator who signed the FEMA application on September 29, 2020, subsequently resigned after having admitted during an ethics investigation that she had accepted payments from private developers seeking to obtain building permits from the City of Naples. The LOMR application was predicated on **fabricated topo data**. Furthermore, the "proposed project" does not meet the City of Naples floodplain management requirements, including without limitation, building "dry floodproofed" structures west of GSBN in the Coastal High Hazard Area in violation of ASCE 24, FBC, and 44 CFR 59 and 60.

The Naples Beach Club is also currently pumping contaminated groundwater into the Gulf of Mexico in violation of the Clean Water Act (CWA). See email dated September 13, 2023, copy attached:

According to the Earth Systems Report, the "concentrations of Naphthalene and 2-Methynaphthalene also exceeded their respective Chapter 62-777, FAC Natural Attenuation Default Concentrations (NADCs)." \*\*\* According to the U.S. Department of Health and Human Services (HHS), "naphthalene is reasonably anticipated to be a human carcinogen," with 1-Methylnaphthalene and 2-Methynaphthalene being identified as "naphthalene-related

compounds.” \*\*\* Under the EPA 1986 cancer guidelines, “naphthalene was assigned to Group C – possible human carcinogen.”

The Naples Beach Club is required to obtain a permit under section 404 of the CWA. As Federal approval is a prerequisite to the development of the Naples Beach Club project, said project is subject to Federal control and responsibility. Because the Naples Beach Club project will have **significant impacts on the quality of the human environment**, the USACE must prepare an Environmental Impact Statement (EIS) and issue a record of decision (ROD). Accordingly, pursuant to the National Environmental Policy Act (**NEPA**), I respectfully demand that the USACE immediately issue a **full stop work order** for the Naples Beach Club project until an EIS can be completed, including providing the residents of the City of Naples with an opportunity for public comment and a full and fair discussion of the significant environmental impacts and the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.

I appreciate your prompt response to this very serious and time-sensitive matter.

Gregory Myers  
700 Gulf Shore Blvd. N.  
Naples, Florida 34102  
(301) 325-2312



smime.p7s  
6.4kB



20230913\_EMAIL to CC\_Contaminated Groundwater.pdf  
194.1kB



200914\_26-049-851GulfShoreBlvd-LOMR-09-14-20-Report\_Signed Carrera.pdf  
2.7MB



201006\_FDEP ERP Permit #387544-001.pdf  
19.1MB



Jurisdiction Diagrams.pdf  
266.9kB

RE: [Non-DoD Source] Re: Big Cypress NPS Fire Station

From: SF.New.Applications (sf.new.applications@usace.army.mil)

To: gregbmyers@verizon.net

Date: Monday, March 4, 2024 at 05:32 PM EST

Good afternoon,

Hopefully, you received the last email that I send regarding your report of a violation in regard to the Naples Golf & Country Club. Also, enclosed is a sample of the form and type of attachments that you would send to the USACE SAJ Enforcement Team via

#### **Regulatory Enforcement**

The Corps of Engineers' enforcement program is based on a policy of the regulation of the waters of the United States by discouraging activities that have not been properly authorized and by requiring corrective measures, where appropriate, to ensure those waters are not misused and to maintain the integrity of the program.

If a violation is suspected, steps are taken to inspect the suspected violation in a timely manner. The scheduling of investigations will reflect the nature and location of the suspected violations, the anticipated impacts, and the most effective use of inspection resources available. These investigations should confirm whether a violation exists, and if so, will identify the extent of the violation and the responsible parties.

The Corps may issue orders requiring corrective action including removal of the unauthorized work and restoration, and/or in certain cases accept an after-the-fact permit application, initiate legal action, or recommend referral to the Environmental Protection Agency for administrative, civil or criminal penalties. The EPA has independent enforcement authority under the Clean Water Act for unauthorized discharges. The Corps works closely with the EPA to coordinate the most effective and efficient resolution of Section 404 Clean Water Act violations.

For appropriate cases, the Corps may recommend criminal or civil actions to obtain penalties for violations. Appropriate cases for criminal or civil action include, but are not limited to, violations which, in the Corps' opinion, are willful, repeated, flagrant, or of substantial impact.

#### **Helpful advice for avoiding enforcement actions:**

- Never initiate any activities in the waters of the United States without a Corps-issued Department of Army permit
- Obtaining a state permit does not obviate the need to obtain a permit from the Corps of Engineers
- Read all permit conditions, both general and specific
- Adhere to all permit conditions
- Contact the Corps for any post-permitting changes or accidental fills
- When in doubt, call the Corps or email the Corps at [SAJ-RD-Enforcement@usace.army.mil](mailto:SAJ-RD-Enforcement@usace.army.mil)

#### **Reporting a Potential Unauthorized Activity**

The Corps relies heavily on the public to report unauthorized activities. If you suspect an unauthorized activity has occurred or is underway, you may report your observations by completing the Violation Reporting Form by selecting "Report a Violation" located under Regulatory Pages. All reports will be sent to the appropriate office for review.

**From:** gregbmyers@verizon.net <gregbmyers@verizon.net>

**Sent:** Wednesday, February 28, 2024 5:10 PM

**To:** Federici, Luigi G CIV USARMY CESAJ (USA) <Luigi.G.Federici@usace.army.mil>

**Cc:** gregbmyers@verizon.net

**Subject:** [Non-DoD Source] Re: Big Cypress NPS Fire Station

EMAIL 1 of 2

October 6, 2020, Environmental Resource Permit (ERP) for Permittee: Naples Golf and Beach Club, Inc.

Permit No: 387544-001 (Permit Expiration: October 5, 2025)

See bottom of Page 2 of 10 and top of Page 3 of 10:

### Federal Authorization

Your proposed activity as outlined on your application and attached drawings does not qualify for Federal authorization pursuant to the State Programmatic General Permit and a SEPARATE permit or authorization shall be required from the Corps. You must apply separately to the Corps using their *APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT*, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at:

<https://www.saj.usace.army.mil/Missions/Regulation/Source-Book/>.

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit", Section IO of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

I have also attached a copy of the fraudulent Letter of Map Revision (LOMR) application as submitted to FEMA, together with a signed topo survey evidencing the LOMR Application is fraudulent.

Thx.

On Wednesday, February 28, 2024 at 04:20:37 PM EST, Federici, Luigi G CIV USARMY CESAJ (USA) <luigi.g.federici@usace.army.mil> wrote:

Good afternoon,

Applying to the U. S. Army Corps of Engineers (USACE) for a permit will require you to fill out and submit a USACE ENG Form 4345 (or other required form). One of the **three** versions that are provided as attachments are acceptable due to Adobe Acrobat version compatibility issues. You will then email the application and other supporting data to the appropriate email address for the USACE office for your area ([SF.New.Applications@usace.army.mil](mailto:SF.New.Applications@usace.army.mil)). I have provided the USACE ENG Form 4345 and other helpful documents to assist you in applying for a permit from the USACE.

This will start a process in which permit applications received by the Corps of Engineers are given identification numbers and reviewed for completeness. A request for additional information may be requested, if necessary, from your assigned Project Manager (PM). For standard individual permit reviews, a public notice initiating a 15- or 30-day public comment period will be issued within 15 days of receiving all the required information. After the comment period, the Corps will review all the comments. The Corps may ask for additional information at this time and a public hearing may be conducted if one has been specifically requested or determined to be necessary. For all projects, the Corps will consult with other state and federal agencies and Native American tribes as appropriate. When all considerations are satisfied, the District Engineer will decide to either issue or deny the permit application. If a permit is denied, the applicant will receive a written explanation.

The Corps' goal is to decide on all applications within 60 days after receipt of a complete application for minor permits and 120 days for individual permits, unless: a decision is precluded as a matter of law or procedures required by law. If that occurs, then the case must be referred to higher authority; the comment period of a public notice is extended; a timely submittal of information or comments is not received from the applicant. Also, the processing is suspended at the request of the applicant; or information needed by the district engineer for a decision on the application cannot reasonably be obtained within the 60- or 120-day period.

Upon receipt of your permit application, you will be sent an email acknowledgement of receipt and a Corps reference number specific to your file. You should refer to this number when inquiring about your application. If your application is incomplete, the Corps will request the additional information needed to continue its review. The project will be reviewed, balancing the need and



expected benefits against the probable impacts of the work, taking into consideration all comments received and other relevant factors. In the meantime, you may want to see what county or state restrictions, or land use limitations are in place regarding this type of work.

We request that you provide at least two aerial views (project site or plot view and one at a higher elevation) of the project area. The photos are used to match against the USACE data base of maps to verify the location and if another project was sanctioned by the USACE in that location before. I recommend going to Google Earth and going right to your property by typing in your address. Also, you can get aerial views and location coordinates from your county's property website or county tax assessor's website if you have trouble with the Google Earth app (which you shouldn't).

Regarding latitude and longitude, it is best to use the decimal conversion of the project location (your form had no coordinates). To obtain these coordinates, go to Google Earth where you will get the coordinates in deg./min./sec. of the project site that will show up in the lower right side of your screen. Make sure that the compass arrow (red side not white side) stops at the North direction. The compass that I am referring to is in the lower right side of the screen too. You do this by double clicking the rotating compass dial to get it to point North. Since these values will show up in a degrees/minutes/seconds format and convert it to decimal use this website. <https://www.fcc.gov/media/radio/dms-decimal>. These coordinates should be the centroid location of the total project site or work area.

The reason for ensuring that the correct coordinates and address are on the USACE application is to properly verify the project's location. Please be aware that using the USACE application checklist is very beneficial for the processing of your application as well. Not to mention providing us with any other pertinent data or documents related to the project i.e. FL Dept. of Environment or other county or local forms. Any attachments for applications should be clearly labeled as to their contents instead of into one large PDF document. Applicable links to websites that will be useful for you in completing your application are provided below my contact information. Once that is done just provide all the documents to the Ft. Myers Email Inbox not my personal work email (see below). Any cost required for the processing of your permit will be requested by your Project Manager when that person is assigned to your project. In closing, I hope that this email addresses your inquiry and makes you a better an informed applicant or agent requesting assistance from the USACE.

FDEP Office	County	Email
Northeast District	Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Madison, Nassau, Putnam, St. Johns, Suwannee, Taylor, Union	<a href="mailto:DEP_NED@dep.state.fl.us">DEP_NED@dep.state.fl.us</a>
Central District	Brevard, Lake, Marion, Orange, Osceola, Seminole, Sumter, Volusia	<a href="mailto:DEP_CD@dep.state.fl.us">DEP_CD@dep.state.fl.us</a>
Northwest District	Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, Washington	<a href="mailto:NWD_ERP_Applications@dep.state.fl.us">NWD_ERP_Applications@dep.state.fl.us</a>
South District	Charlotte, Collier, Desoto, Glades, Hendry, Highlands, Lee, Monroe, Sarasota	<a href="mailto:SD_ERP_Permit@dep.state.fl.us">SD_ERP_Permit@dep.state.fl.us</a>
Southeast District	Broward, Indian River, Martin, Miami-Dade, Okeechobee, Palm Beach, St. Lucie	<a href="mailto:SED_Permitting@dep.state.fl.us">SED_Permitting@dep.state.fl.us</a>
Southwest District	Citrus, Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk	<a href="mailto:SW_ERP@dep.state.fl.us">SW_ERP@dep.state.fl.us</a>

Sample Attachment Titles for an Application to the USACE:

Attachment A – Signed ENG Form 4345

Attachment B – Historical Aerials

Attachment C – Project Plans

Attachment D – Drainage Calculations Report

Attachment E – Site Photographs

Attachment F – Wetland Impact Map

Attachment G – PDC Forms

Attachment H – FL Dept. of Env. Protection Agency Permit

Best Regards,

Luigi (Lou) Federici.

Regulatory Program Assistant

USACE Jacksonville District

701 San Marco Blvd

Jacksonville, FL 32207-8175

☎ (904) 860-7400 (Cellular is Primary Phone)

☎ (904) 570-4510 (Non-Telework)

Email: [Luigi.G.Federici@usace.army.mil](mailto:Luigi.G.Federici@usace.army.mil)

**Regulatory Program and Permits** / Frequently Asked Questions: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Frequently-Asked-Questions/>

\* PLEASE NOTE: The U.S. Army Corps of Engineers no longer receives permit applications or related information from the Florida DEP or the Water Management Districts. Paths to USACE websites of interest:

NOTE: If the project is located in navigable waters (tidal waters and some other non-tidal waterways), there is no exemption available. A permit is always required in navigable waters (or what we call Section 10 waters) for any work (structures, dredging, utility lines under or above, etc.) in, on, under, or over these waters. Also, the USACE has no jurisdiction over sovereign submerged lands issues, that is specifically a State issue (FLDEP). However, if you are placing or removing structures or renovating the marina, then you will need a permit from the USACE.

Path to the USACE Permit Portal Site: <https://permits.ops.usace.army.mil/orm-public>. The "Final IPs" and "Pending IPs" menu items at the top of the map therein will only access Standard Permits and Letters of Permission. Most often permits that applicants or agents will want to access are "RGPs" (Regional General Permits or Nationwide Permits). The other menu items are for permits issued under limited circumstances. They will display information on RGPs but only those RGPs reviewed under Emergency Procedures, under WRDA agreements (e.g. in Florida, those are with FDOT and FP&L), and those related to the Deepwater Horizon project.

The U.S. Fish and Wildlife Service is the principal federal agency tasked with providing information to the public on the extent and status of the nation's wetland and deepwater habitats, as well as changes to these habitats over time. National Wetlands Inventory | U.S. Fish & Wildlife Service ([fws.gov](https://fws.gov))

Bi-Partisan Infrastructure Law (BIL) Team Project Assignments - Used for overflow work from other USACE SAJ offices. [CESAS-RDR@usace.army.mil](mailto:CESAS-RDR@usace.army.mil) the RPA includes this in the email's subject line: District (SAJ)-Office (Tampa, Ft. Myers, etc.)-Permit Type (SAJ 20, etc.).

Finding an ERP Permit on the DEP Internet Site: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/finding-erp-permit-dep-internet>

**Freedom of Information Act (FOIA) Page** via <https://www.usace.army.mil/FOIA.aspx>

To assist you with your request, we have provided information on the procedures, rules and regulations pertinent to the Corps of Engineers' processing of Freedom of Information Act (FOIA) requests. Also provided are links to various sites, which you may find helpful in understanding and interpreting the Act. For additional assistance in submitting a request, see the Army Citizens Guide or the Department of Defense's FOIA Handbook. The Guide and the Handbook provide advice on the rules of the FOIA and how to submit a FOIA request to Army and Defense Department Agencies.

Applicants are now able to pay Department of the Army permit fees online at [pay.gov](https://pay.gov) instead of writing and mailing a check. This convenient option allows for multiple payment methods (bank account, Amazon account, PayPal, debit or credit card). The direct link is here: <https://www.pay.gov/public/form/start/996412796>. Attached is a [pay.gov](https://www.pay.gov/public/form/start/996412796) payment walk-through provided by HQ.

Anything over 1,000 square feet, including waterway structures, such as boatlift canopies, (Labelle area) would stay with Ft. Myers; anything less goes to the Clewiston USACE Permitting Office.

Downloads for files over 12MB, the RPA goes into DoD Safe and "Request a Drop-off". The applicant/agent will enter the e-mail address themselves for the desired USACE Permitting Office when they upload the files.

The applicant can access this link via DoD Safe: <https://safe.apps.mil/>

Link for the public to report a violation. <https://www.saj.usace.army.mil/Missions/Regulatory/Enforcement/>

State Programmatic General Permit (SPGP) information can be found via this link: <https://www.saj.usace.army.mil/SPGP/>

\*\*\*NOTICE: Pursuant to Section 404(g) of the Clean Water Act (CWA), 33 U.S.C. § 1344(g), the FDEP assumed administration of a portion of the CWA Section 404 program, referred to as Assumption. The Corps acknowledges Assumption was implemented by January 15, 2021. Thus, the Corps will transfer to the FDEP any pending Section 404 permit applications proposing discharges in State 'assumed' waters from that date on.

- EXTERNAL Automated Wetland Determination Data Sheets (ADS): [https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/reg\\_supp/](https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/reg_supp/)

- U.S. Army Corps of Engineers, Jacksonville District, State of Florida Assumption of Section U.S. ARMY 404 Permitting Responsibilities SB: [https://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/other\\_permitting\\_factors/20201109-Factsheet\\_Handout-KDS.pdf](https://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/other_permitting_factors/20201109-Factsheet_Handout-KDS.pdf)

- For more information on the status of the Corps' transition, please visit the Corps' website under "Regulatory News" at: <https://www.saj.usace.army.mil/Missions/Regulatory/>

- For more information on the status of EPA's decision, please visit EPA's website at: <https://www.epa.gov/cwa404g>

- For more information on FDEP's request for Assumption, please visit FDEP's website at: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/404-assumption>

- ERP and State 404 Program Rules & General ERP Rules for Dredging Operations in Florida:

<https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/erp-dredging-and-filling>

- DEP Facility/Site Details and Associated Documents: <https://prodenv.dep.state.fl.us/>

- Operation Blue Roof program: <https://www.usace.army.mil/Missions/Emergency-Operations/Blue-Roof-Information/>

\* You may electronically submit information for new permit applications to the following:

Florida Power & Light Inbox: [corpsjaxreg-fpl@usace.army.mil](mailto:corpsjaxreg-fpl@usace.army.mil)

Jacksonville District Permits Section: [corpsjaxreg-nj@usace.army.mil](mailto:corpsjaxreg-nj@usace.army.mil)

Pensacola Permits Section: [corpsjaxreg-nl@usace.army.mil](mailto:corpsjaxreg-nl@usace.army.mil)

Panama City Permits Section: [corpsjaxreg-np@usace.army.mil](mailto:corpsjaxreg-np@usace.army.mil)

Gainesville Regulatory Office: [TampaReg@usace.army.mil](mailto:TampaReg@usace.army.mil)

Ft. Myers Permits Section: [SF.New.Applications@usace.army.mil](mailto:SF.New.Applications@usace.army.mil)

Clewiston USACE Field Office: [Robert.R.Hill@usace.army.mil](mailto:Robert.R.Hill@usace.army.mil)

Tampa Bay Permits Section: [TampaReg@usace.army.mil](mailto:TampaReg@usace.army.mil)

Cocoa Beach Permits Section: [CORPSJAXREG-NC@usace.army.mil](mailto:CORPSJAXREG-NC@usace.army.mil)

Palm Beach Gardens Section: [Application-sp@usace.army.mil](mailto:Application-sp@usace.army.mil)

Florida Keys Section: [SEAPPLS@usace.army.mil](mailto:SEAPPLS@usace.army.mil)

Antilles-Miami Section: [cesaj-rd-sa@usace.army.mil](mailto:cesaj-rd-sa@usace.army.mil)

Special Projects Branch BIL Team: [CESAS-RDR CESAS-RDR@usace.army.mil](mailto:CESAS-RDR CESAS-RDR@usace.army.mil)

RD Enforcement Team correspondence or requests to [saj-rd-enforcement@usace.army.mil](mailto:saj-rd-enforcement@usace.army.mil)

\* Download the ENG 4345 application form here:

[https://www.publications.usace.army.mil/Portals/76/Publications/EngineerForms/Eng\\_Form\\_4345\\_2019Feb.pdf?ver=2019-03-08-083618-337](https://www.publications.usace.army.mil/Portals/76/Publications/EngineerForms/Eng_Form_4345_2019Feb.pdf?ver=2019-03-08-083618-337)

\* Download the application checklist here:

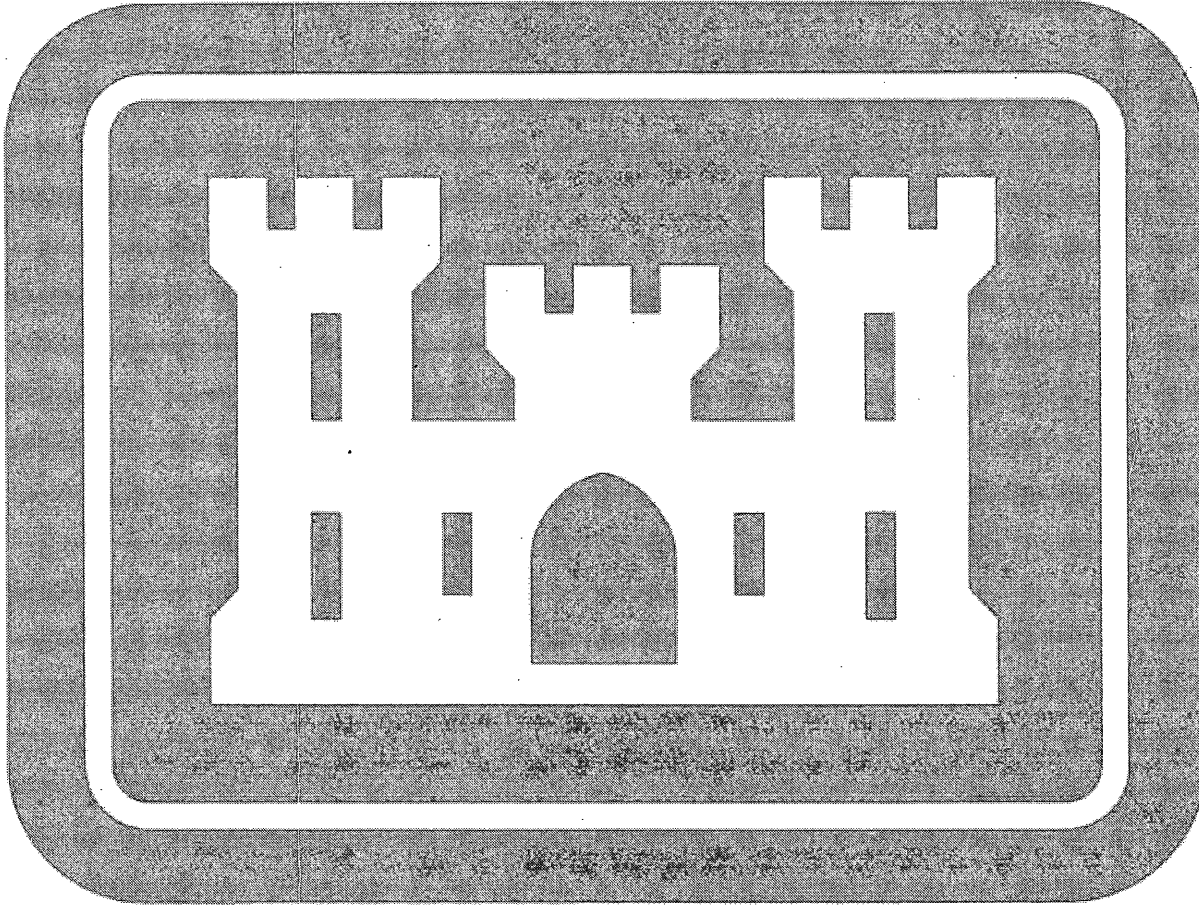
[http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/permitting/forms/Checklists/Checklist\\_ENG4345fillable.pdf](http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/permitting/forms/Checklists/Checklist_ENG4345fillable.pdf)

Note: Standard Permits (SP) and Letter of Permission (LOP) can be modified with a USACE ENG Form 4345 and supporting documentation. However Nationwide Permits (NWP) and Regional General Permits (RGP) can't be modified. Thus, changes to NWPs and RGPs to permits require a new application with supporting documentation that would still be based off a previous permit.

-FACT SHEET for USACE PERMITTING REQUIREMENTS:

[https://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/other\\_permitting\\_factors/20201109-Factsheet\\_Handout-KDS.pdf](https://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/other_permitting_factors/20201109-Factsheet_Handout-KDS.pdf)

The Regulatory Customer Service Survey has moved to the cloud and has a new URL beginning on Mon 5 Apr 2021-  
<https://regulatory.ops.usace.army.mil/customer-service-survey/>



**US Army Corps of Engineers**

**Jacksonville Florida District**

**From:** SAJ-RD <saj-rd@usace.army.mil>

**Sent:** Wednesday, February 28, 2024 3:13 PM

**To:** SF.New.Applications <SF.New.Applications@usace.army.mil>

**Subject:** FW: [Non-DoD Source] Violation of National Environmental Policy Act (NEPA)

FYA

Thanks

Yolanda A. Bringhurst

Division Secretary

Regulatory Division

Jacksonville District

(904) 232-1177

**From:** gregbmyers@verizon.net <gregbmyers@verizon.net>

**Sent:** Tuesday, February 27, 2024 2:36 PM

**To:** Hamor, Michelle L CIV USARMY CENAO (USA) <Michelle.L.Hamor@usace.army.mil>; SAJ-RD <saj-rd@usace.army.mil>

Cc: [gregbmyers@verizon.net](mailto:gregbmyers@verizon.net)

Subject: [Non-DoD Source] Violation of National Environmental Policy Act (NEPA)

Dear Michelle L. Hamor:

On February 20, 2024, I asked a number of questions in your presentation to the City of Naples City Council, specifically with respect to the Naples Beach Club development (124.3 acres in the heart of the City of Naples, stretching from the Gulf of Mexico to U.S. 41).

The Naples Beach Club submitted a fraudulent application to FEMA in order to obtain an illegal Letter of Map Revision (LOMR) including, without limitation, failing to obtain proper documentation showing compliance with Section 7(a)(2) of the Endangered Species Act (ESA). The City of Naples swept this corruption under the rug.

Troublingly, the City's Flood Plain Coordinator who signed the FEMA application on September 29, 2020, subsequently resigned after having admitted during an ethics investigation that she had accepted payments from private developers seeking to obtain building permits from the City of Naples. The LOMR application was predicated on **fabricated topo data**. Furthermore, the "proposed project" does not meet the City of Naples floodplain management requirements, including without limitation, building "dry floodproofed" structures west of GSBN in the Coastal High Hazard Area in violation of ASCE 24, FBC, and 44 CFR 59 and 60.

The Naples Beach Club is also currently pumping contaminated groundwater into the Gulf of Mexico in violation of the Clean Water Act (CWA). See email dated September 13, 2023, copy attached:

According to the Earth Systems Report, the "concentrations of Naphthalene and 2-Methynaphthalene also exceeded their respective Chapter 62-777, FAC Natural Attenuation Default Concentrations (NADCs)." \*\*\* According to the U.S. Department of Health and Human Services (HHS), "naphthalene is reasonably anticipated to be a human carcinogen," with 1-Methylnaphthalene and 2-Methynaphthalene being identified as "naphthalene-related compounds." \*\*\* Under the EPA 1986 cancer guidelines, "naphthalene was assigned to Group C – possible human carcinogen."

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I appreciate your prompt response to this very serious and time-sensitive matter.

Gregory Myers

700 Gulf Shore Blvd. N.

Naples, Florida 34102

(301) 325-2312



Sample of Dock Violation\_USACE Form 1-.pdf

1.8MB



Sample Permit Exhibits.pdf

1.7MB

REPORT OF SECTION 404 CLEAN WATER ACT VIOLATION AND UNAUTHOIZED WORK AT:  
851 Gulf Shore Blvd N. Naples, FL, 34102

From: gregbmyers@verizon.net (gregbmyers@verizon.net)

To: saj-rd-enforcement@usace.army.mil; luigi.g.federici@usace.army.mil

Cc: gregbmyers@verizon.net

Date: Monday, March 4, 2024 at 09:15 PM EST

March 4, 2024

VIA EMAIL: SAJ-RD-Enforcement@usace.army.mil

Regulatory Division

Jacksonville District

U.S. Army Corps of Engineers

701 San Marco Boulevard

Jacksonville, FL 32207-8175

The attached emails are being provided to you regarding unauthorized work at 851 Gulf Shore Blvd N. Naples, FL, 34102 in connection with the 124 acre Naples Golf & Beach Club redevelopment project on the Gulf of Mexico (the "Project"). The Project has never obtained the required Section 404 permit under the Clean Water Act (CWA) from the USACE Jacksonville FL Regulatory Division.

The FDEP Environmental Resource Permit, Permit No.: 387544-001, issued for the "Naples Beach Hotel and Golf Course" on October 6, 2020 (the "ERP"), specifically states:

**Federal Authorization**

Your proposed activity as outlined on your application and attached drawings does not qualify for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit or authorization shall be required from the Corps**. You must apply separately to the Corps using their *APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT, ENG FORM 4345*, or alternative as allowed by their regulations.

**Other Authorizations**

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. **This permit does not relieve you from the requirements to obtain all other required permits or authorizations.**

Of particular concern is the September 6, 2023, response from the City of Naples Building Official, Steve Beckman (in red), responding to my statement ["the U.S. Army Corps. Of Engineers (USACE) **has no record** of any application for the 'Naples Beach Hotel and Golf Course'"] and referencing a conversation that he had with "Russel Rouan, Unpermitted enforcement officer with Army Corp. Fort Myers Office" as follows:

First, the U.S. Army Corps. Of Engineers (USACE) **has no record** of any application for the "Naples Beach Hotel and Golf Course" development. Unless submerged land (none), Wetlands (none), filling of land seaward of mean high tide line (none), Army Corp permit would not be required. Language on DEP permit states they needed to apply, and if not needed, Army Corp would send them a letter stating such. If a letter was sent saying no permit needed, no record would be available. I will have this letter later today forwarded to me from Athens Group.

In the meantime, I spoke to Russel Rouan, Unpermitted enforcement officer with Army Corp. Fort Myers Office, and was told "Almost definitely not needed (permit)" but if I wanted to have definitive answer, I could write the section chief. If I do not receive this letter from the Athens Group as Mike Stratton said he would forward to me, I will write the section chief.

I question the veracity of the highlighted statement.

Thank you for your prompt attention to this very serious matter.

/s/ Gregory B. Myers

Gregory B. Myers

700 Gulf Shore Blvd. N.

Naples, Florida 34102

(301) 325-2312



20230904\_MYERS Email to Mayor and City Council.pdf  
4MB



20230906\_EMAIL Beckman to Boodheshwar\_Additional Findings.pdf  
231.3kB



20230906\_City of Naples Building Official\_FINDINGS for NBC Development.docx  
481.8kB



20230913\_EMAIL to CC\_Pumping Contaminated Groundwater.pdf  
164.8kB



20230917\_EMAIL to CC\_Follow-up on Groundwater.pdf  
211.6kB



20230925\_EMAIL to CC\_Follow-up Groundwater.pdf  
170.5kB



20230929\_EMAIL 1\_To Hardman Boodheshwar and Beckman\_NBC Hotel CCSL Permits.pdf  
97.1kB



20231006\_City of Naples 9-29-23 questions response.pdf  
552.5kB



RE: [Non-DoD Source] REPORT OF SECTION 404 CLEAN WATER ACT VIOLATION AND UNAUTHOIZED WORK AT: 851 Gulf Shore Blvd N. Naples, FL, 34102

From: SAJ-RD-Enforcement (saj-rd-enforcement@usace.army.mil)

To: russell.w.rouan@usace.army.mil

Cc: gregbmyers@verizon.net

Date: Tuesday, March 5, 2024 at 05:11 PM EST

Good afternoon Russ and Mr. Myers,

I spoke with Mr. Myers this afternoon regarding concerns over development at 851 Gulf Shore Blvd. Off initial review and conversations with leadership, it seems that concerns regarding pollutant discharges from outfall pipes would not fall under our jurisdiction under section 404, rather section 401/402. We also had discussions regarding 404 jurisdiction where I explained our post-assumption '300ft' rule. **Please note Mr. Myers the following:**

On Thursday, February 15<sup>th</sup>, the U.S. District Court for the District of Columbia issued a decision vacating the U.S. Environmental Protection Agency's approval of Florida's application to assume Clean Water Act Section 404 permitting responsibilities in certain waters in Florida. In light of this decision, the U.S. Army Corps of Engineers (USACE) is currently the only entity in the State of Florida with authority to issue permits under Section 404 of the Clean Water Act. The USACE recognizes that either the District Court or an Appellate Court may issue a full or partial stay of the February 15<sup>th</sup> order at some point. In the interim, applicants may submit applications to the USACE for activities involving the discharge of dredged or fill material into formerly state-assumed waters. The USACE will begin processing any applications it receives, however applicants and stakeholders should recognize the uncertainty surrounding the current litigation.

That being said, please refer any additional questions you may have regarding this site to Mr. Rouan.

Thank you,  
David

From: SAJ-RD-Enforcement <saj-rd-enforcement@usace.army.mil>

Sent: Tuesday, March 5, 2024 9:10 AM

To: Rouan, Russell W CIV USARMY CESAJ (USA) <Russell.W.Rouan@usace.army.mil>

Subject: FW: [Non-DoD Source] REPORT OF SECTION 404 CLEAN WATER ACT VIOLATION AND UNAUTHOIZED WORK AT: 851 Gulf Shore Blvd N. Naples, FL, 34102

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From: gregbmyers@verizon.net <gregbmyers@verizon.net>

Sent: Monday, March 4, 2024 9:16 PM

To: SAJ-RD-Enforcement <saj-rd-enforcement@usace.army.mil>; Federici, Luigi G CIV USARMY CESAJ (USA) <Luigi.G.Federici@usace.army.mil>

Cc: gregbmyers@verizon.net

Subject: [Non-DoD Source] REPORT OF SECTION 404 CLEAN WATER ACT VIOLATION AND UNAUTHOIZED WORK AT: 851 Gulf Shore Blvd N. Naples, FL, 34102

March 4, 2024

VIA EMAIL: SAJ-RD-Enforcement@usace.army.mil

Regulatory Division  
Jacksonville District  
U.S. Army Corps of Engineers  
701 San Marco Boulevard  
Jacksonville, FL 32207-8175

The attached emails are being provided to you regarding unauthorized work at 851 Gulf Shore Blvd N. Naples, FL, 34102 in connection with the 124 acre Naples Golf & Beach Club redevelopment project on the Gulf of Mexico (the "Project"). The Project has never obtained the required Section 404 permit under the Clean Water Act (CWA) from the USACE Jacksonville FL Regulatory Division.

The FDEP Environmental Resource Permit, Permit No.: 387544-001, issued for the "Naples Beach Hotel and Golf Course" on October 6, 2020 (the "ERP"), specifically states:

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/s/ Gregory B. Myers

Gregory B. Myers

700 Gulf Shore Blvd. N.

Naples, Florida 34102

(301) 325-2312

UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT

JUL 23 2025

RECEIVED